The Signalman's Journal

Volume 76, Number 3 *June 1995*

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4015 FRIEDENSBURG RD
OLEY PA 19547-8714

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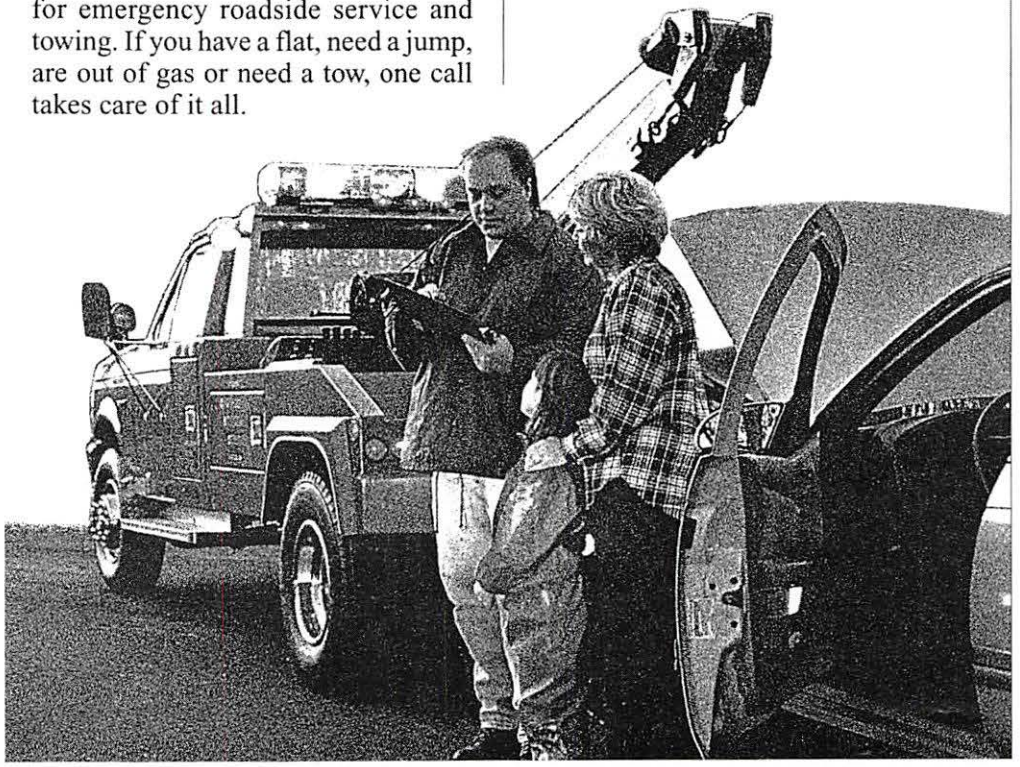

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The Signalman's Journal

Official Publication of the Brotherhood of Railroad Signalmen

Volume 76, Number 3 **June 1995**

DIRECTORY

NATIONAL HEADQUARTERS:
601 West Golf Road, Box U
Mount Prospect, IL 60056-9048
(708) 439-3732 Fax: (708) 439-3743

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400 North Capitol St., N.W., Suite 860
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Box U, Mount Prospect, IL 60056-9048
(708) 439-3732

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36 Newport Road
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740 Saint Andrews Lane #33
Crystal Lake, IL 60014

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Cover: Signal Maintainer J.J. Juresko & Signalman M.A. Bacon splice new code line cable into existing code line wire. The work was being performed in conjunction with the Nassau Siding Project at Nassau, South Carolina.
Photo Submitted By: J.J. Juresko, Local 16

The Signalman's Journal (ISSN-0037-5020) is published bimonthly (February, April, June, August, October, December) by the Brotherhood of Railroad Signalmen, 601 West Golf Road, Box U, Mount Prospect, IL 60056-9048. Second class postage paid at Mount Prospect, IL.
POSTMASTER: Send address changes to: The Signalman's Journal, The Brotherhood of Railroad Signalmen, Box U, Mount Prospect, IL 60056-9048.

Subscription Rates: $10.00 per year, sold only in the United States and Canada. Single copy price is $2.00.

Letters To The Editor

Dear Editor:

Here is a photo I'd like you to place in *The Signalman's Journal.* It is a picture of a BRS Brother who was fatally injured in the line of duty. Brother L.S. Bluemel was a 36 year old Signal Maintainer headquartered at East Rock Springs, Wyoming. He had 17 years of signaling experience. On February 15, 1995 he was fatally struck by a westbound train while performing an ordinary monthly switch inspection at Black Butte, Wyoming. Brother Bluemel was an employee of the Union Pacific Railroad and a member of BRS Local Lodge 8. He is survived by his wife Susan and five children.

Truly yours,
S.S. Thompson
Local Chairman #8

Laird S. Bluemel

Letters appearing in this column do not necessarily represent official BRS position or policy. Parties wishing to write the Editor should address their letters to:

The Signalman's Journal
Box U
Mt. Prospect, IL 60056

The Signalman's Journal reserves the right to edit letters for clarity, punctuation and length. All letters must be signed; however, names will be withheld from publication upon request.

Dear Editor:

Please accept my congratulations and sincere appreciation for your efforts on behalf of roadway worker safety. The success achieved by the Federal Advisory Committee on Roadway Worker Protection in the **first-ever negotiated rail rulemaking** is historic and offers unlimited potential for the future.

From the beginning of his Administration, President Clinton has been firmly committed to the belief that, working openly and working together, labor and management can make the Federal Government more efficient and effective. Secretary Peña and I were also convinced that rail labor and rail management could work together to solve national safety concerns. What better way to develop answers to difficult safety issues than by discussion, cooperation and compromise - especially when those involved in the process are the most knowledgeable about the subject.

The successful efforts of the roadway worker negotiating team have confirmed this belief, and a timely safety initiative was developed without the prolonged agony of a burdensome rulemaking. The bottom line is that a serious safety issue has been addressed, and in the future **LIVES WILL BE SAVED**.

You have proved that people working together can solve problems. I believe the news of your accomplishment will spread to other agencies. Your successful efforts offer the potential to revolutionize rulemaking throughout Government, and the safety gains and efficiencies that lie ahead are monumental. Words cannot describe the happiness I feel when I think of our historic achievement.

When the rule is finalized, I hope that we can be together again to celebrate your achievement. I am pleased that the team plans to continue their dialogue, and look forward to cooperatively resolving other important safety issues in the future. Thank you again.

Sincerely,
Jolene M. Molitoris
Administrator, FRA

Political Climate Effects Negotiations

PRESIDENT'S COLUMN

The first half of 1995 has been filled with challenges. The shift in political power that occurred in Washington during the last election has chilled corporate America's willingness to address important issues in a meaningful manner.

It was not until control of both the House and the Senate shifted, that matters concerning the advancement of our nations workers were put on the back burner. The political revaluation continues to churn out repeated attacks on American workers.

Congress Shifts Its Focus

Congress has clearly shifted its focus from the needs of the working middle class to those of big business. Contract negotiations are but one example where this change has had an adverse effect.

While national negotiations continue to drag out, 67 members of BRS Local 234 are on strike at Safetran Corporation's Louisville Division signal manufacturing plant. The strike was called after the Local's negotiating committee failed to come to terms with the company on a fair and equitable contract.

Safetran, which is owned by British Tire and Rubber, is covered under the provisions of the National Labor Relations Act because it is a non-railroad entity. Therefore, the contract automatically expired May 1, and a strike ensued.

Typical Bargaining Strategy

It appears that Safetran is following the same bargaining strategy as the railroad industry. Rather than stepping-up to the challenge of negotiating in good faith and recognizing the overall contributions of its workers in a timely fashion, Safetran has opted to delay negotiations and offers only meager wage increases in the face of record profits.

For the first time in over 20 years workers at the manufacturing plant have been forced to resort to strike action in an attempt to secure a fair and equitable agreement.

Supporting Negotiations

At press time, the strike is into its sixth week. The members of local 234 remain 100% unified. They are walking the picket line and supporting their negotiating committee's efforts to secure an acceptable agreement. The solidarity shown by this BRS Local may very well be setting the tone for the rest of rail labor.

Many corporations believe Congress will stand idly by while they try to suppress hard-working unionized workers. Many companies believe that lowering their workers' standard of living by offering raises that fail to keep pace with the cost-of-living allows them to compete better in the so called "world market" while also producing record profits.

Preparing For The Future

However, members of this organization are prepared to meet such challenges. Standing united, we will overcome such challenges, just as we have the past 94 years.

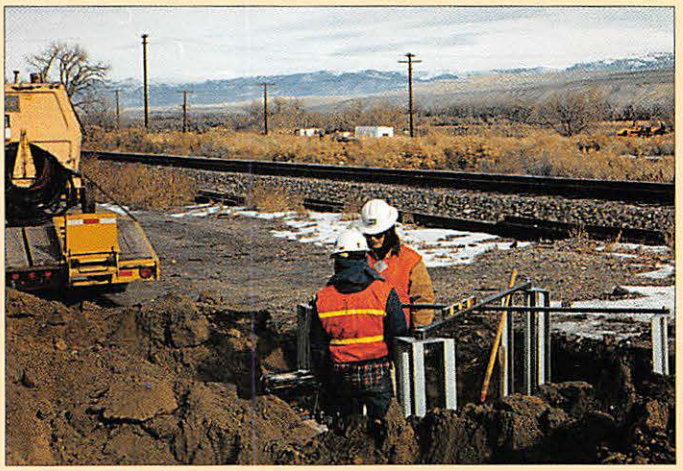
As we look to the future, BRS members should be preparing for the next election, just as we should be preparing for the many challenges that lay before us during this round of bargaining.

W. Dan Pickett

1995 Photo Contest Entries

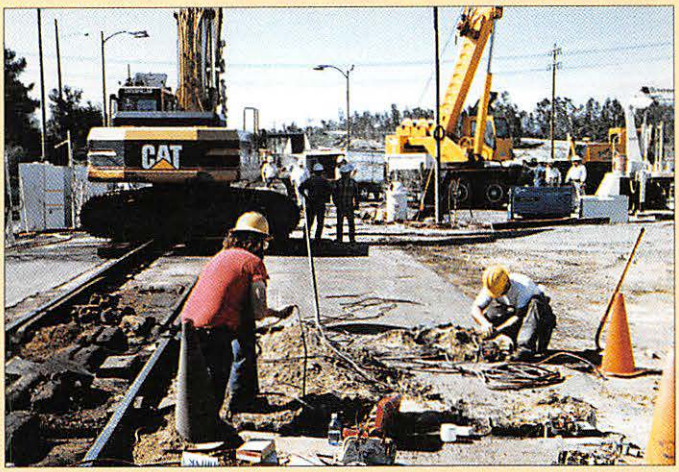
*Westbound Burlington Northern freight train at West Custer Mountain, Montana, Yellowstone Division, Forsyth Subdivision. Photo submitted by **G.T. Urfer**, Local 87.*

*Burlington Northern Asst. Signalmen R.M. Saltzman and C.E. Rowden II set bungalow foundations at Basin, Wyoming on the Casper Subdivision. Photo submitted by Local 87 member **G.T. Urfer**.*



*Signal Maintainers K.A. Rosebure and W.C. Dean repair an air line on a retarder unit at SP's West Colton Classification Yard in Bloomington, California. Photo submitted by Local 104 member **L.E. Woodford**.*

Photo Contest Entries



Signalmen A.C. Keelin and S.C. Lloyd install wheel detectors while a scale is being replaced in the background. Photo taken in Bloomington, California by Local 104 member ***L.E. Woodford.***

Members of CSXT Construction Gang No. 7X02, Foreman D.H. Carter, Lead Signalman J.M. Bennett Jr., Signalmen D.G. Pierson, M.C. Kennedy, J.P. Jones and B.G. Stephens set an Electrocode House for the Nassau Siding Project in Dixiana, South Carolina. Photo submitted by Local 16 member ***J.J. Juresko****.*

Hammond Lake, Pennsylvania is where this picture of Conrail's Southern Tier Picnic Special President's Train was taken. Photo submitted by ***Ed Roth****, Local 145.*

SPL Report:

Railroad Retirement and RUIA

A new Railroad Unemployment Insurance Act (RUIA) bill, agreed to by rail labor and management, will soon be introduced by Senator Nancy Kassebaum (R-KS); labor and management are working together on this legislation. The bill will bring federally mandated benefits for railroad workers into line with the employee benefits mandated by most states. The bill would make workers eligible for unemployment and sick-leave benefits after seven days of unemployment or illness rather than two weeks. It also would reduce the length of extended benefits from 130 days to 65 days.

Federal Employers' Liability Act - FELA

While no legislation has been introduced yet, the BRS fully expects an attack on the Federal Employers' Liability Act. The Association of American Railroads (AAR) has been intensely lobbying Congress to limit court awards of damages in suits stemming from the 87-year-old law by which railroad workers seek compensation. On March 20, Chairman of the Railroad Subcommittee Rep. Susan Molinari (R-NY) indicated reform of FELA is warranted.

HR 259 - Elimination of Amtrak Labor Protection

A bill introduced by Rep. Joel Hefeley (R-CO) to amend Title 49, U.S. Code to eliminate provisions of federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, and for other purposes. The BRS opposed this bill. Referred to the Committee on Transportation and Infrastructure.

HR 832 - Elimination of Certain Amtrak Service

A bill introduced by Rep. Joe Barton (D-TX) to establish limits on wage continuation and severance benefits for Amtrak employees displaced by a discontinuance of service. This bill would eliminate the 30-mile rule and deny benefits or wage continuation to any Amtrak employee beyond six months. The BRS opposed this bill and it has been referred to the Committee on Transportation and Infrastructure.

Amtrak Budget

The numbers look good so far. The BRS has yet to see the actual budget levels come out of the Transportation Infrastructure Committee; this committee has jurisdiction over Amtrak and railroads. We have come a long way from completely eliminating Amtrak's funding to where we stand today. As of now, the House budget has three years of full funding for Amtrak at the same levels received last year. There will be further updates as the committee actually puts a bill together that allows the funds to be spent. The BRS is still unsure as to what the Senate will do on this issue.

HR 450 - Moratorium on Federal Regulations

A bill introduced by Rep. Tom DeLay (R-TX) seeking to ensure the economy and efficiency of federal government operation by establishing a moratorium on regulatory rulemaking action. This bill is very critical to BRS members. Roadway Worker rules could possibly be affected. The BRS opposed this bill.

S 550 - Railway Labor Act

No specific legislation has been introduced in the House, but both the House and Senate are considering legislation that could drastically change the RLA. Republican Susan Molinari, Chairman of the Railroad Subcommittee, has promised that her committee would be looking at a raft of issues, including the Railway Labor Act.

Employment Opportunities

The Chicago, Central & Pacific is currently seeking qualified applicants to fill signal maintenance and signal construction positions.

Positions sought to be filled include: a Signal Maintainer's position in the Chicago area and a Signalman's position on a traveling signal system construction gang.

Qualifications include H.S. diploma or G.E.D. and previous railroad experience in signal maintenance or construction and a valid driver's license.

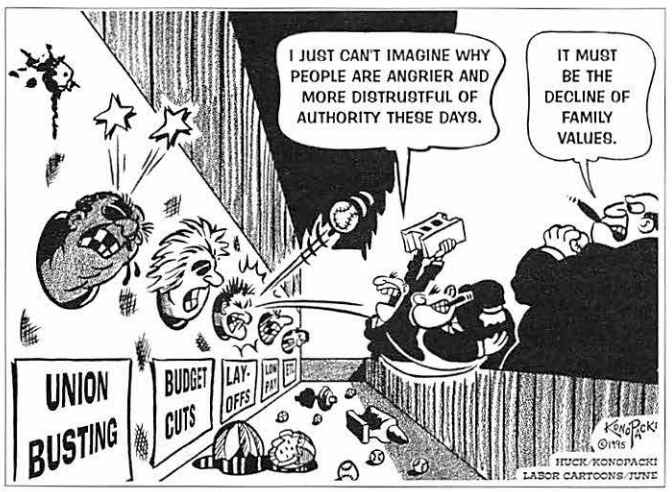
Interested parties should call:

Mr. Mark Thompson
Signal Engineer
Chicago, Central & Pacific
(319) 236-9201

Amtrak Peninsula Commuter Service advises that it has three Signal Maintainer positions open in the San Jose, California area.

Interested parties should write:

Mr. Frank J. Forcione
General Manager
Peninsula Commuter Service
National Rail Passenger Corporation
510 West San Fernando Street
San Jose, CA 95110



BRS CALENDAR

The Federal Railroad Administration will conduct regional safety conferences for Office of Safety field and headquarters personnel. The focus will be on customer service and FRA's industry-safety advocate role.

July 24 - Omni Netherland Plaza Hotel
35 West 5th Street
Cincinnati, OH
(513) 421-9100

August 14 - Regency Hotel-Meeting and Convention Center
3900 Elati Street
Denver, CO
(303) 458-0808

August 5 - Local 43 will be holding its third quarter meeting at 9:00 a.m. at McHose Park, Boy Scout Cabin, Boone, Iowa. The meeting will be followed by the annual picnic. BRS members and their families in the surrounding area are invited to attend. For more information contact T.A. Hitsman at (515) 432-2610 or D.E. Beck at (515) 479-2388.

August 6-10 - Hazardous material training, 8:30 a.m. to 5:00 p.m., at the George Meany Center for Labor Studies. This training is funded by a grant from the Federal Government and is being administered through the George Meany Center for Labor Studies. The training is open to all BRS members. For further information or to register for this class, please contact Ms. Brenda Cantrell at the George Meany Center at: (301) 439-2440. This is a 32 hour class.

August 13-17 - Hazardous material training, 8:30 a.m. to 5:00 p.m., at the George Meany Center for Labor Studies. The training is open to all BRS members. For further information or to register for this class, please contact Ms. Brenda Cantrell at the George Meany Center at: (301) 439-2440. This is a 32 hour class.

BRS Spearheads Efforts To Protect Railroad Workers

FRA's Negotiated Rulemaking Process Reaps Recommendations

After spearheading an effort to address some 31 fatal trackside accidents since 1988, including 11 Signalmen fatalities, a 25-member Safety Standards Federal Negotiated Rulemaking Advisory Committee headed by the BRS has reached consensus and signed an agreement. The agreement contains eleven specific and nine general recommendations that will form the basis of the Federal Railroad Administration's first-ever negotiated rulemaking. The rulemaking was aimed at protecting railroad workers who perform work along railroad rights-of-way.

Noting that the establishment of federal safety regulations to protect railroad workers from being struck by moving equipment has long been a top priority of rail labor, BRS President Dan Pickett said, "I am confident that this agreement will create uniform federal regulations that protect our nation's railroad workers. Far too many Signalmen have been needlessly injured or killed on the job. Finally we have concrete recommendations to help bring about tough, effective safety measures that will help end these tragic deaths and injuries."

Members of the Federal Advisory Committee hammered out the recommendations during seven negotiating sessions.

> *"Finally we have concrete recommendations to help bring about tough, effective safety measures that will help end these tragic deaths and injuries."*
>
> *- Dan Pickett*

The FRA had previously acknowledged that a "serious problem" exists within the railroad industry. In response, the FRA turned to the innovative process known as "Negotiated Rulemaking" to analyze the problem and develop safety regulations to help prevent such tragic accidents. On August 17, 1994, the FRA announced the formation of an advisory committee to seek ways to protect Signalmen and other railroad employees who work along the nation's rights-of-way from being struck by trains or moving on-track equipment. The committee's goal was to develop a report including a draft notice of proposed rulemaking (NPRM) recommending a course of action for the FRA to follow that would prevent roadway worker injuries and fatalities.

Under the traditional rulemaking process, the FRA would have proposed a federal rulemaking and would then have solicited comments from the public and interested parties. Such parties would then respond with comments and suggestions, either in writing or at various public hearings. After receiving and evaluating such comments, a final rule would have been issued. The traditional rulemaking process is long and cumbersome. However, under the negotiated rulemaking process, representatives from rail labor, management and the FRA formed an official advisory committee to examine the hazards and risks faced by roadway workers working on or near live tracks. The joint labor/management/government committee then developed recommended safety rules and operating procedures aimed at eliminating or reducing accidents caused by moving trains and on-track equipment.

The negotiated rulemaking process brought together parties that showed an interest in railroad roadway worker safety. Despite overwhelming interest for membership on the Advisory Committee, the FRA limited membership to 25 individuals to facilitate effective negotiation, while ensuring all interests were represented. Railroad management officials, railroad labor officials and one FRA official were chosen to serve as members of the committee.

The Advisory Committee consisted of representatives from five unions, eight railroads and four railroad

industry associations along with the FRA. By focusing the collective knowledge, experience and talents of people who know and understand the dangers of working along the tracks, meaningful safety rule recommendations were formulated to effectively prevent roadway workers from being injured or killed by trains or moving on-track equipment.

An On-Track-Safety (OTS) Task Force had met throughout the previous summer to analyze the safety conditions of roadway workers and to present its findings to the Advisory Committee. The Advisory Committee reached consensus during the first session to use the report and recommendations of the OTS Task Force as a basis for negotiation.

The Advisory Committee adopted a tentative deadline of May 1, 1995 to complete negotiations. Despite the Advisory Committee's best efforts, it was unable to meet its May 1 deadline. One additional negotiation session was scheduled and the committee was able to reach a consensus on outstanding issues.

Rail labor, management and government officials review copies of the consensus agreement that contains eleven specific and nine general recommendations to protect railroad roadway workers.

The committee held seven negotiating sessions beginning January 23, 1995 and ending May 17, 1995. In accordance with the Federal Advisory Committee Act, these meetings were open to the public. An FRA administrative specialist was provided to assist the Advisory Committee. The committee also utilized the services of two federal mediators from the Federal Mediation and Conciliation Service to facilitate the 16 days of negotiations required to reach a consensus agreement.

The FRA intends to have a Notice of Proposed Rulemaking (NPRM) based on the Advisory Committee's consensus agreement prepared for publication in the Federal Register by June 30. The Advisory Committee is scheduled to review the FRA's NPRM July 30. The FRA has targeted the month of August for issuing a final rule addressing Roadway Worker Protection.

FRA Administrator Jolene Molitoris presents the Federal Advisory Committee's recommendations to Transportation Secretary Federico Peña as committee members look on.

Pickett praised the negotiated rulemaking process saying, "This process shows what can be achieved when rail labor and management and the federal government join together in good faith to improve safety on our nation's railroads."

This marks the first time in the FRA's history that it has used a negotiated rulemaking process to help formulate federal railroad safety regulations. "The BRS is proud to have played a key role in the FRA's first attempt to promulgate federal safety regulations through negotiated rulemaking," said Pickett.

Three times within the last year the BRS petitioned the FRA to issue an Emergency Order to protect Signalmen and other railroad workers while they were working on or near live track; each time the FRA declined to issue such an emergency order. However, on June 3, 1994, FRA Administrator Jolene Molitoris convened a Rail Safety Summit meeting of top rail labor, carrier and FRA officials in Washington, D.C. It was there the FRA's Administrator declared, "One death is one too many." Molitoris then vowed the FRA would take action to protect the men and women working on our nation's railroads.

Pickett praised the FRA Administrator for recognizing that the best way to solve a railroad problem was to turn to the people who actually work on the railroad.

(Continued on next page)

Specific Recommendations That Will Form The Basis Of Federal Roadway Worker Protection Rules

1. *Management has the responsibility to ensure that the On-Track Safety rules are understood and followed. Employees have the responsibility to follow the rules. Employees can refuse any directive to violate an On-Track Safety rule. Each railroad shall have in place a written procedure to protect the employees' no-fault right to insist on On-Track Safety rules compliance.*
2. *Employees must not stand on, sit on, walk on, or foul track(s) except when necessary in the performance of their duty.*
3. *Before performing any work that requires fouling the track or adjacent track(s) positive protection must be obtained and verified to be in effect by the roadway worker assigned responsibility for the work. Large scale track maintenance and/or renovations, such as but not limited to, rail and tie gangs, production in-track welding, ballast distribution and undercutting, must have positive protection on adjacent tracks as well.*

   Roadway workers who have been trained, qualified and designated to do so by the operating railroad may perform routine inspection and correction work when alone, without positive protection, under the following conditions:

   * *Power-operated tools or roadway maintenance machines are not in use within the hearing of the roadway worker.*
   * *The roadway worker is able to visually detect the approach of a train or other on-track equipment on any track in time to move clear of all live tracks not less than 15 seconds before the arrival of a train or other on-track equipment.*
   * *The worker's ability to hear and see approaching trains or other on-track equipment is not impaired by background noise, lights, or any other physical conditions.*
   * *The roadway worker is not within the limits of a manual interlocking (§236.751) or a controlled point (§236.782), or on a track that is part of a remotely controlled hump yard facility.*

   All roadway workers have the absolute right to obtain positive protection at any time and under any circumstances if they deem it necessary, or to be clear of the track if adequate protection is not provided.

   Principles behind Specific Recommendation No. 3:

   * *When a roadway worker does not have assurance of being able to clear a track in 15 seconds before the arrival of a train or other on-track equipment, he or she may not enter or remain on a track without positive protection.*
   * *Wherever watchmen provide positive protection, they will be specifically designated as such each time they begin a period of watchman service. Until their designation is canceled they may perform no functions other than watching for the approach of trains or other on-track equipment and warning the persons in their care. While they are not designated as watchmen they may perform other functions as roadway workers. Designation may be made and canceled as necessary during the day.*
   * *FRA will incorporate a near-term time-specific requirement to utilize on-track personal warning systems for roadway workers working alone under any conditions not requiring positive protection.*
   * *FRA is considering the use of a "Statement of Assurance of On-track Safety" to be prepared by a lone worker before entering a track without positive protection, and kept during that period of the work day.*
4. *Authority for positive protection (except where watchman/ lookout is used as the sole means of positive protection) issued by a designated employee must be recorded and correctly repeated or obtained and verified before protection will be considered to be in effect.*
5. *Positive protection (except where watchman/lookout is used as the sole means of positive protection), upon being established, will be under the absolute control of the roadway employee in charge and no movement will be authorized into the work limits without the express authority of the roadway employee in charge.*
6. *All roadway workers shall have "On-Track Safety" awareness training annually.*
7. *Rules and operating procedures governing track occupancy and protection must be maintained in one manual and be readily available to all roadway workers. Each roadway worker responsible for establishing positive protection shall be provided with and maintain a current copy.*
8. *All roadway workers responsible for Positive Protection of themselves and/or others will be trained, tested and qualified on track occupancy rules annually.*
9. *At the beginning of each work day or before occupying any track(s), a job briefing regarding on-track safety and employee protection is to be conducted (WITH THE UNDERSTANDING SOLO WORKERS WOULD COMMUNICATE WITH SOMEONE AT THE START OF EACH WORK DAY).*
10. *All trains shall sound whistle/bell when approaching or passing through work sites.*
11. *The Committee recognizes that lineups are being used less as a form of protection in the industry and recommends that lineup use be further reduced, eventually discontinued and replaced with positive protection as quickly as feasible, grandfathering lineup systems presently in use.*

    Railroads that are not subject to the grandfather provisions, excluding Class I carriers, may use train location systems as a form of protection on subdivisions with no more than three train movements during a nine-hour maintenance work period or four train movements in a 12-hour work period.

    Carriers whose operations regularly exceed the above-referenced train movement densities will not be permitted to utilize train location systems as a form of protection but will be required to institute positive protection systems.

General Recommendations To Be Used In The Preamble Of Federal Roadway Worker Protection Rules

GR1 - 16% of fatal incidents and 37% of injury incidents were the result of on-track equipment striking roadway workers or other roadway equipment. Therefore, special emphasis in training, job briefings, and operation of on-track equipment must include:

* *Attention to visibility/stopping distance*
* *Review of stopping capability and limitations*
* *Purpose and limits of work zones*
* *Attention to existing weather conditions*
* *Importance of maintaining proper equipment spacing*
* *Briefing concerning joint track occupancy*
* *Procedures for traveling on track*

GR2 - 35% of non-fatality incidents were on Thursdays and 50% of non-fatality incidents occurred between 7:30 a.m. and 10:30 a.m. to Maintenance of Way (MW) roadway workers. Therefore, special emphasis to alert MW roadway workers to these facts must be made in safety awareness training, during job briefings, and safety meetings and rules training.

GR3 - 69% of incidents fatal to signal maintainers occurred during November, December, and January. Therefore, special emphasis to alert roadway workers to this fact must be made in safety awareness training, during job briefings, safety meetings, and rules training immediately prior to and during this period.

GR4 - 65% of the fatally-injured roadway workers had attended rules training within the previous 12 months. This fact indicates special emphasis must be employed to improve training. Areas of focus should include but not be limited to:

* *Curriculum development and content*
* *Learning environment*
* *Presentation and interactive instruction*
* *Understanding and application*
* *Peer training*
* *On-Track Safety specific subjects*

GR5 - 26% of the fatalities involved employees working in a supervisory capacity. Therefore, special emphasis must be placed on:

* *Selection of managers*
* *Quality of training*
* *Management commitment to on-track safety*
* *Priority to on-track safety*
* *Serving as a role model*

GR6 - Recommend that multi-disciplined task forces be established at the railroad level to include Operating Employees, Maintenance of Way Employees, Signalmen, Dispatchers, Labor Representatives and carrier personnel to improve local roadway worker on-track safety, communication, and rule compliance. Recommendations include (but are not limited to):

* *Dispatcher office visits by field personnel*
* *Field visits by dispatchers*
* *Videos of working situations*
* *Forum to recognize opportunities to improve safety/communication*
* *Promotion of teamwork*

GR7 - Establish a joint labor/management/FRA process to evaluate, analyze and encourage emerging technologies which may enhance roadway on-track worker safety. This recommendation is made to allow prompt and thorough evaluation of such emerging technology.

GR8 - The OTS Task Force will continue to meet on a periodic basis (at least semi-annually) to review progress, review current data and to continue a joint labor/management dialogue seeking ways to improve roadway worker on-track safety.

GR9 - Track shunts and on-track equipment that shunts the track are recognized as a secondary form of protection and should be encouraged where feasible and authorized. This does not relieve any employee from obtaining and using positive protection.

Federal Alcohol/Drug Regulations Governing Railroad Workers Amended

The Federal Railroad Administration (FRA) has announced a series of amendments to the Federal Alcohol/Drug Regulations governing railroad workers. Most of the changes are technical in nature but some of the measures do impact upon Signalmen.

Non-Evidential Screening Devices

One of the most significant amendments permits railroads to utilize non-evidential alcohol testing devices when screening employees for alcohol testing. Only non-evidential devices that appear on the National Highway Traffic Safety Administration's (NHTSA) conforming products list may be used to perform alcohol screening tests. Currently, four non-evidential breath testing devices and one non-evidential saliva testing device appear on the NHTSA list as being approved for alcohol testing in the railroad industry.

FRA stresses that only screening tests may be conducted with approved non-evidential alcohol testing devices. If an employee tests positive for alcohol during a screening test, federal regulations require the employee to be given a confirmation test using an evidential breath testing (EBT) device. If the results of the confirmation test are negative, the entire test is considered negative.

The difference between evidential and non-evidential alcohol testing devices is that the results of evidential devices are accepted in legal proceedings. Evidential devices usually produce a printed record of the test results. Under the FRA rules, the results of tests conducted with non-evidential devices must be recorded on a prescribed form by the alcohol testing technician and the form must then be signed by the employee.

If a non-evidential testing device produces a positive result, a 15-minute time period must elapse before a confirmation test can be administered. Failure to observe the 15-minute waiting period can invalidate the test results.

The federal rules continue to require that all alcohol tests must be performed by fully trained, qualified and certified technicians. Breath tests, whether conducted with evidential or non-evidential devices, may only be performed by certified breath alcohol technicians (BAT) while saliva tests must be performed by certified saliva testing technicians (STT). Railroad personnel may become certified alcohol testing technicians.

If an employee tests positive in a non-evidential alcohol screening test and an EBT is not available on the site, the carrier is responsible for transporting the employee to a site where an EBT is available to perform a confirmation test.

FRA also compiled a list of "fatal flaws" or errors in the testing process that would invalidate an alcohol test conducted with a non-evidential device. Test readings taken from saliva testing devices must be taken no sooner than two minutes and no more than 15 minutes after the swab has been inserted into the device. Furthermore, a saliva testing device must not be used after its expiration date. Failure to observe these time limits will result in the invalidation of the test results. Also, failure to follow FRA procedures in recording the results of a non-evidential alcohol test can invalidate the test.

Post-Accident Drug Testing Procedures

New procedures relating to mandatory post-accident toxicological testing have also been established by FRA. The new rules require carriers to use new FRA provided "post-accident shipping boxes" and FRA approved custody and control forms. The new material is designed to incorporate the requirement for split sample drug testing that FRA announced last year.

The regulations make clear that employees have the right to insist upon proper safeguards when subject to post-accident testing. Part 219, Appendix C, Paragraph 2.12 of the revised rules spells out the responsibility of railroad employees who are being tested, as follows:

"Do not let the blood and urine samples that you provided leave your sight until they have been properly sealed and initialed by you."

Finally, paragraph 2.12 goes on to stress the responsibility of medical facilities to properly perform sample collection procedures. The regulation states:

"The employee may not be required to complete any form that contains any waiver of rights the employees may have in the employment relationship or that releases or holds harmless the medical facility with respect to negligence in the collection."

Signalmen Strike Safetran Plant

LOUISVILLE, KY – Some 67 employees represented by the Brotherhood of Railroad Signalmen set up picket lines around Safetran Corporation's Louisville Division manufacturing plant at 7:00 a.m. May 2 after negotiators failed to reach agreement on a new contract.

This marks the first time in over 20 years that BRS-represented workers have resorted to self-help against the railroad signal equipment manufacturer in an attempt to secure an agreement. The BRS presently represents technicians, assemblers and materials specialists working at the plant. The BRS's three-year contract expired at 12:01 a.m. May 1.

Prior to the strike, Safetran officials had agreed to only two meetings with union representatives. The first meeting occurred March 22 and lasted three days, with the second meeting occurring April 27 and 28, only two work days prior to the expiration of the contract.

Subsequently, the BRS has filed unfair labor practice charges against the British owned company.

The BRS filed the charges with the National Labor Relations Board on May 15. In the charges, the BRS alleges that Safetran violated §8(a)(1) and §8(a)(5) of the National Labor Relations Act by failing to reasonably meet or confer in good faith in respect to reaching an agreement on wages, hours, and other terms and conditions of employment for some 67 hourly-rated BRS members. It also included a request for injunctive relief.

The charges pointed out that Safetran continued to refuse to bargain over economic issues until the eve of the termination of the contract. During that session, which was the only bargaining session permitted by Safetran on economic issues, negotiators failed to reach agreement on the terms of a new contract.

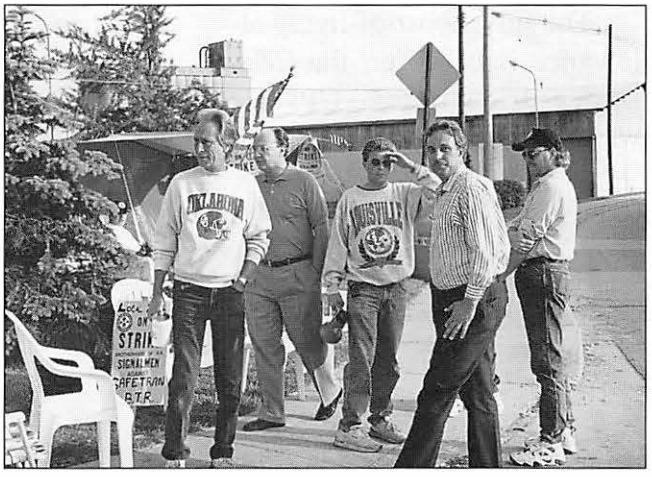
On April 27, Safetran representatives announced that the company refused to bargain further over economic issues until June 8.

As a consequence, at a special meeting held April 30, BRS members overwhelmingly rejected the company's final offer; they then voted unanimously to withdraw their services. Signalmen started round-the-clock picketing at Safetran's Louisville manufacturing plant at 7:00 a.m. May 2.

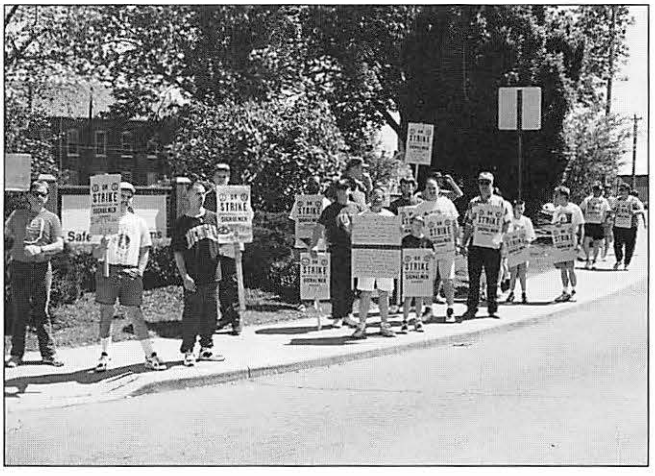
Signalmen at the plant said they view the company's tactics as an attempt to dictate the economic terms of their contract. Workers at the plant presently average $9.00 per hour and have received only a 73 cent increase in hourly wages over the past nine years.

The BRS has further charged Safetran with coercion. The BRS contends Safetran violated, and continues to violate, §8(a)(1) of the NLRA throughout the ongoing strike by attempting to intimidate the employees by strategically stationing a photographer and video equipment for the specific purpose of photographing and videotaping strike activities.

Members of BRS Local 234 gathered in front of Safetran's Louisville Division signal manufacturing plant while on strike.



BRS President Dan Pickett and Southeast Regional Vice President F.E. Mason visit with striking Signalmen on the picket line.



Safetran is being picketed around-the-clock.

Cost-of-Living Adjustment Due July 1

Semi-Annual Allowances Are Due Under Terms Of 1991 Agreement

BRS members who are covered under the June 4, 1991 National Wage and Fringe Benefit Agreement are scheduled to receive a $.09 per hour cost-of-living allowance beginning July 1. Cost-of-living allowances are to be provided on a semi-annual basis under the terms of the 1991 National Agreement. However, under the agreement such cost-of-living allowances do not become part of the basic rates of pay.

The July 1 cost-of-living allowance is based on the Consumer Price Index (CPI-W) which is compiled by the U.S. Department of Labor. The measurement period for the July 1 allowance was September 1994 to March 1995.

The cost-of-living allowance is based on the number of points change in the CPI during the measurement period. CPI points are converted into cents on the basis of one cent equals 0.3 full points. Any remainder of 0.1 points or 0.2 points of CPI change after conversion are not counted.

During this previously agreed upon measurement period the CPI rose from 437.5 to 443.0.

While the 1991 National Agreement provided for a reduction in the cost-of-living allowances effective July 1, in order to offset the increased cost of health care benefits from 1994 to 1995, labor and management agreed there would be no reduction in the July 1 cost-of-living allowance.

The National Agreement further provided for reduction of the cost-of-living allowances based on year-to-year increases in health care benefit costs. However, such reduction will apply to the cost-of-living allowances called for each January.

Travelers Announces A New Health Company

The Travelers has announced that their group health division is merging with that of Metropolitan Life Insurance Company (MetLife). The result is a new company - **The MetraHealth Companies, Inc.** The new company will become operational in 1995. During the next few months, the name "The Travelers" will be replaced with the new name, **"MetraHealth"**.

During this transition period, explanations of benefits, benefit checks and all other correspondence will begin to show the new "MetraHealth" name. The change to MetraHealth should have little effect on railroad employees according to The Travelers. The following are highlights of what can be expected.

- Benefits under the Railroad Employees' National Health and Welfare Plan will not change.
- Travelers identification cards will continue to be accepted by medical providers.
- All Travelers toll-free telephone numbers will remain the same.
- Mailing addresses for claims and other correspondence will remain the same.
- All services administered by Travelers will continue to be administered by MetraHealth.

In addition, while all life insurance business formerly written by Travelers has been sold to MetLife, MetraHealth will continue to administer the life insurance claims under the National Health and Welfare Plan for railroad employees for the immediate future. More details will be provided to employees at a later date.

The Travelers indicates that even though they are forming a new company, the same people will continue to service railroad employees under the new MetraHealth name. If you would like more information about MetraHealth or how this change may affect you, you can call the same Travelers toll-free number that you call for assistance with your medical claims right now, **1-800-842-5252.**

Presidential Emergency Board No. 226 Recommends Wage Hike For Metro-North

Emergency Board No. 226 appointed by President Clinton to help settle a dispute involving the BRS and 14 other unions with Metro-North Railroad, the country's second largest commuter railroad, issued its report April 24.

The board, headed by Herbert L. Marx Jr., recommended across-the-board wage increases totaling some 10 percent over a three year period from 1995 through 1997. The Board also recommended a 50 cent per hour skill differential for all Metro-North employees subject to the BRS agreement.

However, the board rejected the unions' request that some 5,000 members be paid the same rate of pay as workers on the Long Island Rail Road - another New York commuter railroad owned by the Massachusetts Transportation Authority.

Although workers at Metro-North may do the same kind of work as their counterparts on the Long Island Rail Road for less pay, matching Metro-North's wage rates with the LIRR "is simply not attainable at this time," the emergency board said in its report.

The panel said the amount of money that would be needed to bring Metro-North pay up to the LIRR "is far beyond what this board is prepared to recommend as appropriate at this time."

The carrier had asked for a wage freeze for 1995 and wanted to leave wage adjustments for 1996 and 1997 to future bargaining, a request which the board flatly rejected in its report.

Metro-North is an agency of the Metropolitan Transportation Agency, which also owns the Long Island Rail Road, the country's largest commuter railroad. Metro-North has some 5,000 union-represented workers. The parties have been trying to resolve disputes that date back to January 1992 - when a new contract was supposed to take effect - and includes issues raised in a subsequent contract period ending in 1997.

A strike was averted in October 1994 when the unions and the railroad agreed to continue negotiating through mid-January. The unions rejected binding arbitration in January, which set into motion a 30-day cooling-off period after which either party was free to engage in "self-help," meaning the unions could strike or the railroad could impose terms.

The President had announced the creation of the board a few hours before the "cooling-off" period in the dispute was to end at 12:01 a.m. February 23.

Members of Presidential Emergency Board Number 226 are (l-r) Josef P. Sirefman, Chairman Herbert L. Marx Jr. and Lois A. Rappaport

A major sticking point in the talks has been the issue of pay parity with Long Island workers who on average earn about seven percent more than Metro-North workers. Metro-North had at one point been part of Conrail, and during that time workers agreed to forego general wage increases in exchange for shares of stock. As a result, wages for Metro-North workers never caught up to those given to Long Island workers.

The railroad asked the President to create the PEB because it thought negotiations were not progressing. Under an amendment to the Railway Labor Act (RLA) covering commuter railroads, if an agreement is not reached during the cooling-off period, either side or the governor can ask the President to establish an emergency board to recommend a settlement and the President is required to do so. On the other hand, with freight carriers, the National Mediation Board can recommend that the President create an emergency board if a strike threatens interstate commerce, but the decision is left entirely up to the President.

PEB 226's recommendations are not legally binding. The RLA also provides for participation in two separate emergency boards for commuter railroads, a process that takes a total of 270 days, compared with the one PEB that could be created for freight carriers. If the Metro-North situation results in two boards being created, the 270-day period would end 12:01 a.m. October 21.

Direct Deposit Available For Unemployment and Sickness Benefits

The Railroad Retirement Board is still advising railroad unemployment and sickness benefit claimants that they can have their benefit payments electronically deposited into their checking or savings accounts through the U.S. Treasury's Direct Deposit Program. Previously, Direct Deposit payments were only available to Railroad Retirement Board beneficiaries receiving retirement or survivor benefits.

Direct Deposit payments are generally available to a beneficiary from two to five days sooner than payments made by check via the mail. In addition, persons enrolled in Direct Deposit don't have to be concerned about the mail being late or a check being lost or stolen, don't have to go to the bank or remail a check to make a deposit, and need not worry about a check sitting in the mailbox when away from home. Those enrolled in Direct Deposit begin to earn interest at once if the payments are deposited in an interest-bearing account, and their funds are available in their account the morning of the payment date.

Unemployment or sickness benefit claimants wanting to enroll may telephone or visit their nearest Board field office to initiate Direct Deposit. If phoning a field office, they should be prepared to furnish their social security number, the name of their bank or financial institution and information related to their account. If visiting a Board field office, they should bring a personal check or bank statement with them to provide this information.

Biweekly claim forms, as well as any letters or notices issued by the Board, will still be sent to a claimant's home or mailing address. Direct Deposit enrollees must therefore keep the Board informed of their current address. Address changes, as well as any Direct Deposit-related changes, can be made when claimants file their biweekly unemployment or sickness claims.

To get additional information on Direct Deposit, claimants should contact the Railroad Retirement Board field office nearest them. The address and phone number of the nearest field office can be found in the telephone directory under "United States Government," or they can check with their local union official, rail employer, post office, or Federal Information Center. Most Board field offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

ENTRY FORM—1995 PHOTO CONTEST

THE SIGNALMAN'S JOURNAL
BOX U
MOUNT PROSPECT, IL 60056-9048

Name _____

Local No. _____

Mailing Address:

Street or Box _____

City_____ **State** ___ **Zip**_____

Phone ( ) _____

R.R. Employer _____

Job Title _____

Photo Location _____

Photo Description _____

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Freight Railroads Help Amtrak Boost On-Time Arrivals

The nation's major freight railroads are continuing to improve Amtrak trains' on-time performance. Except for the Northeast Corridor between Washington and Boston (which Amtrak owns and controls), Amtrak trains operate under contract with freight carriers to use their tracks.

System-wide Amtrak on-time performance had improved to 79.2 percent in the second quarter of fiscal year 1995 (Jan. - March, 1995); a significant change from the 66 percent on-time average for the same quarter last year.

Amtrak cited Conrail's handling of Amtrak's Chicago-New York "Lake Shore Limited" as an example of renewed freight carrier cooperation. In February 1994 the overnight train, whose route includes Albany, Buffalo and Cleveland, arrived on-time at its end-point cities only seven (7) percent of the time. February 1995's tally was 79 percent. By March of this year, the "Lake Shore Limited" had reached 90 percent on-time. Conrail's overall handling of Amtrak trains rose 23.3 percentage points from the second quarter of FY 94 to the second quarter of FY 95, to 81.2 percent on-time.

Burlington Northern also improved from 53.7 percent on-time in the second quarter of FY 94 to 75.5 percent in the same quarter for FY 95, a 21.8 percentage point improvement.

Once again topping the list of freight carriers hosting Amtrak train operations was CP-Soo Line, with a near-perfect 96.9 percent record for the second quarter of FY 95.

On-time performance is the number one service-quality issue with Amtrak customers. Last year Amtrak was directed to file a complaint with the U.S. Department of Justice if freight carriers' handling of Amtrak trains did not improve. Amtrak was granted Congressionally mandated rights and priorities on freight lines through the Rail Passenger Service Act of 1970, the enabling legislation that created Amtrak and relieved the nation's private freight railroads from the responsibility of operating passenger trains.

No legal action has been necessary. The freight railroads significantly improved their handling of Amtrak trains and have agreed to meet regularly with Amtrak officials to resolve mutual operating concerns. These quarterly on-time performance meetings between each individual host carrier and Amtrak have proved extremely beneficial both for the carriers and Amtrak.

Amtrak On-Time Performance for Major Freight Railroads Which Carry Amtrak Service

Carrier	2nd Qtr. '95	2nd Qtr. '94	Change in % points
CP-Soo Line	96.9	87.9	+9.0
CN-North America	84.8	70.4	+14.4
Norfolk Southern	82.1	83.3	-1.2
Conrail	81.2	57.9	+23.3
Illinois Central	79.8	78.2	+1.6
Union Pacific	79.7	71.6	+8.1
Santa Fe	77.4	75.8	+1.6
Burlington Northern	75.5	53.7	+21.8
CP-D&H	75.0	60.6	+14.4
CSX	73.8	58.8	+15.0
Southern Pacific	63.9	67.5	-3.6
System Average:	**79.2**	**66.0**	**+13.2**

(Note: Not shown above are on-time performances of several smaller freight carriers or commuter railroads on which Amtrak operates or Amtrak's own Northeast Corridor, which was 89.3 percent on-time, 2nd Qtr. '95.)

Railroad Retirement INFORMATION

Railroad Retirement Survivor Benefits

Monthly benefits may be payable under the Railroad Retirement Act to the surviving widow(er), children and certain other dependents of a railroad employee if the employee was "insured" under that Act at the time of death. Lump-sum death benefits may also be payable to qualified survivors in some cases.

The following questions and answers describe the survivor benefits payable by the U.S. Railroad Retirement Board and their eligibility requirements.

1. How do railroad retirement survivor benefits compare to social security survivor benefits?

Most railroad retirement survivor benefits include a portion called a Tier I amount which is based on combined railroad retirement and social security covered earnings and approximates a social security survivor benefit, plus an additional Tier II amount which is based solely on railroad employment.

The average railroad retirement survivor benefit awarded at the end of the fiscal year 1994 to aged and disabled widow(er)s was about $790 a month compared to $625 for widow(er)s covered by social security. Awards to younger widow(er)s with a child in care averaged about $850 a month compared to $445 under social security. Railroad retirement children's benefits averaged $700 a month while social security children's benefits averaged about $435.

In any case, a survivor who received a spouse annuity from the Board is guaranteed that the amount of any widow(er)'s benefit payable will be at least as much as the spouse annuity.

2. What are the general service requirements for railroad retirement survivor benefits?

With the exception of one type of lump-sum death benefit, eligibility for survivor benefits depends on whether or not a deceased employee was "insured" under the Railroad Retirement Act. An employee is insured if he or she has at least 10 years of railroad service and a "current connection" with the railroad industry at the time of retirement or death.

Generally, an employee who worked for a railroad in at least 12 months in the 30 months immediately preceding the month his or her railroad retirement annuity begins will meet the current connection requirement. If an employee dies before retirement, railroad service in at least 12 months in the 30 months before death will meet the current connection requirement for the purpose of paying survivor benefits. However, full or part-time work for a nonrailroad employer in an interim between the end of the 30-month period including 12 months of railroad service and the beginning date of an employee's annuity, or the date of death if earlier, can break a current connection.

In some cases, a current connection may be deemed for survivor benefit purposes for employees with 25 years of service who were involuntarily terminated without fault from the rail industry on or after October 1, 1975, and did not thereafter decline an offer of employment in the same class or craft in the rail industry, regardless of the distance to the new position.

Once a current connection is established at the time the railroad retirement annuity begins, an employee never loses it no matter what kind of work is performed thereafter.

3. What if these service requirements are not met?

If a deceased employee did not have an insured status, jurisdiction of any survivor benefits payable is transferred to the Social Security Administration and survivor benefits are paid by that agency instead of the Board. Regardless of which agency has jurisdiction, the deceased employee's railroad retirement and social security credits will be combined for benefit computation purposes.

4. What are the age requirements for widow(er)s?

Widow(er)s' benefits are payable at age 60 or over. They are payable at any age if the widow(er) is caring for an unmarried child of the deceased employee who is under age 18 or a disabled child of any age who became permanently disabled before age 22. Widow(er)s' benefits are also payable at ages 50-59 if the widow(er) is permanently disabled and unable to work in any regular employment. The disability must have begun within seven years after the employee's death, within seven years after the termination of an annuity based on caring for a child, or within seven years after the termination of an earlier entitlement to a disability annuity. A five-month waiting period is required after the onset of disability before disability payments can begin.

5. Can surviving divorced spouses and remarried widow(er)s also qualify for benefits?

Survivor benefits may also be payable to a surviving divorced spouse or remarried widow(er) under certain conditions, but benefits are limited to social security level Tier I amounts and therefore are generally less than the total of the Tier I and Tier II benefit amounts otherwise payable by the Railroad Retirement Board.

A surviving divorced spouse may qualify if she or he was married to the employee for at least 10 years, is unmarried or remarried under the conditions described in the next paragraph, and is age 60 or older (age 50 if disabled). A surviving divorced spouse who is unmarried can qualify at any age if caring for the employee's child and the child is under age 16 or disabled, in which case the 10-year marriage requirement does not apply.

The Tier I portion of a survivor benefit may be paid to a widow(er) or surviving divorced spouse who remarries after age 60, or to a disabled widow(er) or disabled surviving divorced spouse who remarries after age 50; however, remarriage prior to age 60 (or age 50 if disabled) would not prevent eligibility if that remarriage terminated. Such social security level benefits may also be paid to a younger widow(er) or surviving divorced spouse caring for the employee's child who is under age 16 or disabled, if the remarriage is to a person receiving railroad retirement or social security benefits.

6. When are survivor benefits payable to children and other dependents?

Monthly survivor benefits are payable to an unmarried child under age 18, and to a child age 18 in full-time attendance at an elementary or secondary school until the student attains age 19 or the end of the school term in progress when the student attains age 19. In most cases where a student attains age 19 during the school term, benefits are limited to the two months following the month age 19 is attained. An unmarried disabled child over age 18 may qualify if the child became totally and permanently disabled before age 22. A dependent grandchild meeting any of these requirements may also qualify if both the grandchild's parents are deceased or disabled.

Monthly survivor benefits are also payable to a surviving parent at age 60 who was dependent on the employee for at least half of the parent's support. If the employee was also survived by a widow, widower, surviving divorced spouse or child who can qualify for benefits, the parent's annuity is limited to the Tier I amount.

7. Are survivor benefits subject to any reduction for early retirement or disability retirement?

A widow(er) or surviving divorced spouse caring for a minor or disabled child can receive benefits at any age without a reduction for early retirement. However, in other cases, a reduction for early retirement is made if the survivor retires before age 65. For widow(er)s retiring at age 60, benefits are reduced 17.1 percent. For a surviving divorced spouse or remarried widow(er), the reduction at age 60 would be 28.5 percent. For a disabled widow(er), disabled surviving divorced spouse or disabled remarried widower, the maximum reduction is also 28.5 percent, even if the benefit begins at age 50. Beginning in the year 2000, the eligibility age for a full widow(er)'s benefit will gradually rise from age 65 until it reaches age 67 in the year 2022. The maximum reductions will ultimately be 20.36 percent or 28.5 percent.

8. Are these benefits subject to offset for the receipt of other benefits?

Under the Railroad Retirement Act, the Tier I portion of a survivor annuity is subject to reduction if any social security benefits are also payable, even if the social security benefit is based on the survivor's own earnings. This reduction follows the principles of social security law which, in effect, limit payment to the highest of any two or more benefits payable to an individual at one time.

The Tier I portion of a widow(er)'s annuity may also be reduced for the receipt of two-thirds of any Federal, State or local government pension based on the widow(er)'s own earnings. The reduction does not apply if eligibility preceded certain dates, or if the employment on which the public pension is based was covered under social security as of the last day of the individual's employment.

A survivor annuitant should notify the Board promptly if she or he becomes entitled to any such benefits.

9. What if a widow(er) was also a railroad employee and is eligible for a railroad retirement employee annuity as well as monthly survivor benefits?

A special guaranty applies if either the deceased employee or the survivor annuitant completed 120 months of railroad service before 1975. In effect, the widow, or dependent widower, would receive both an employee annuity and a survivor benefit, without a full dual benefit reduction.

If either the deceased employee or the survivor annuitant had some service before 1975 but had not completed 120 months of railroad service before 1975, the employee annuity and the Tier II portion of the survivor annuity would be payable to the widow(er). The Tier I portion of the survivor annuity would be payable only to the extent that it exceeds the Tier I portion of the employee annuity.

If both the widow or widow(er) and the deceased employee started railroad employment after 1974, the survivor annuity payable to the widow(er) is reduced by the amount of the employee annuity.

10. What types of lump-sum death benefits are payable under the Railroad Retirement Act?

There are two kinds of lump-sum death benefits payable in some cases to survivors.

A lump-sum death benefit for burial expenses is payable to certain survivors of an employee with 10 or more years of railroad service and a current connection with the railroad industry if no survivor is immediately eligible for a monthly benefit when the employee dies. This lump-sum death benefit is payable to the widow(er) if she or he were either living with or supported by the employee at the time of death, or if the employee were under a court order for support. If the employee had 10 years of service prior to 1975, and was not survived by a qualified widow(er), the lump-sum may be paid to the funeral home or the payer of the funeral expenses, but the amount paid cannot exceed the actual costs involved. If the employee acquired his or her

Railroad Retirement Information. . .

(Continued from preceding page)

10th year of service *after* 1974, the lump-sum may be paid *only* to the widow(er).

The amount payable depends primarily on whether the deceased employee was credited with 10 years of service before 1975, in which case the average benefit is about $870. If the employee completed 10 years of railroad service after 1974, the lump-sum benefit is almost always $255.

Another death benefit, the residual lump-sum, is, in effect, a refund of the employee's pre-1975 railroad retirement taxes plus an allowance in lieu of interest, but payable *only if, or to the extent that, certain benefit payments have not equaled the employee's pre-1975 payroll taxes.* This payment is not made as long as monthly benefits are payable either at the time of the employee's death or in the future. However, a widow(er) or parent under age 60 can waive rights to future monthly benefits in order to receive a residual payment. The average residual lump-sum paid in 1994 was about $4,200.

An employee can designate a person as beneficiary for any residual payment that ever becomes due. Otherwise, it is payable to the widow(er), children, or other family members in a prescribed order of precedence. An "insured" status under the Railroad Retirement Act is not required for payment of this benefit.

11. How does a person get an estimate of, or apply for, survivor benefits?

To apply for any railroad retirement benefit call or visit the nearest Railroad Retirement Board field office. Active or retired employees who are concerned about the amounts of benefits which would be payable to their survivors may also receive estimates from the nearest Board field office.

Applications for benefits are generally filed in person with the assistance of Board personnel at one of the Board's field offices, or with a traveling Board representative at an itinerant point. Most Board offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

Rail Passes Offered By Amtrak

As the summer vacation season approaches, BRS members should be aware that Amtrak provides **eligible** active and retired rail employees with passes which can be used to get free and/or reduced-rate travel aboard the passenger carrier.

BRS membership alone does not make the employee or retiree eligible for these travel privileges, and many restrictions apply.

How To Apply

The employee should fill out an application form (NRPC Form 90) supplied by his/her home railroad and return it to the railroad. The carrier then certifies the information on the application and forwards it to Amtrak, which reviews the information and, if the member is eligible, issues an Amtrak Rail Travel Privilege Card. The level of travel privileges is determined by employment dates and railroad affiliation.

Questions regarding eligibility should be directed to the member's home railroad, **not** the BRS or Amtrak's Travel Service Office.

Pass Expiration

Passes have no expiration date, and are good for the duration of the employee's rail career. Upon retiring, however, the member should apply for a retiree's pass by completing a new Form 90.

Also note that pink-colored Rail Travel Privilege Cards have no expiration date.

Amtrak's toll-free telephone number for its Travel Service Office in Washington, D.C. is 1-800-424-0224.

CHANGE OF STATUS FORM

Please advise us of any changes. If you move or if the mailing label on this issue of The Signalman's Journal fails to reflect a current address or receiving party, please fill out this form, tape or paste the mailing label in the space provided and mail the form to:

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CSXT Calls On AT&T, Signs Agreement

Communications Company To Manage Railroad's Telecommunications System

CSX Transportation, Inc. (CSXT) has reportedly signed a 10-year service agreement which calls for AT&T to design and manage a new telecommunications system for the railroad's operations and customer service.

The BRS represents some communications workers on CSXT and has had a series of meetings with the railroad to discuss the issue.

Officials at CSXT have told BRS representatives that communications work presently being performed by BRS represented employees will continue to be performed by such employees.

"The BRS has not and will not condone the contracting of our work to any outside party," said President Dan Pickett. "Our organization will be closely monitoring this situation from this point on."

Under the agreement, AT&T will provide consulting, planning, engineering and management services to CSXT. AT&T Bell Laboratories will join AT&T Solutions in engineering CSXT's future information technology architecture.

AT&T will also be responsible for developing recommendations for integrating all new communications systems as CSXT upgrades and modernizes its information technology and business processes.

In the first several years governed by the agreement, CSXT and AT&T will work together to convert CSXT's remaining telecommunications from its private analog microwave and fiber network to AT&T's public voice and data digital network. They also intend to eliminate the repair of hand-held radios and plan to consolidate radio repair facilities.

CSXT presently provides rail transportation and distribution services over an 18,800 route-mile network in 20 states, the District of Columbia and Ontario, Canada.

Over the next couple of years changes will occur in three areas:

1. Conversion of CSXT's remaining telecommunications network to AT&T's public network.

2. Elimination of the repair of hand-held radios.

3. Consolidation of radio repair facilities.

CSXT reports that its agreement with AT&T will not result in the subcontracting of work in violation of present labor agreements. The report said, "Communications work which is subject to CSXT's labor agreements will continue to be subject to the terms and conditions of the existing agreements."

TTD Calls For Thorough Review Of BN-Santa Fe Merger

Afraid that a thorough review of the proposed merger between Burlington Northern (BN) and the Santa Fe will slip through the cracks, the Transportation Trades Department (TTD) sounded the alarm to Transportation Secretary Federico Peña.

With the Interstate Commerce Commission (ICC) on the chopping block and the railroad's push for an accelerated 180-day review period, TTD fears that important employee concerns, financial questions, and competitive issues won't get the full hearing they deserve.

Because the Union Pacific entered a bidding war for the Santa Fe, the purchase price jumped to over $4 billion from the BN's original bid of $2.7 billion.

From experience, transportation labor knows that carriers frequently try to compensate for a higher price by cutting the work force and deferring maintenance expenses. If that occurs, it could lead to a "decrepit, potentially unsafe rail network," TTD said.

"These issues are legitimate areas of concern and inquiry for the ICC, but to which, due to the new time constraints and severely reduced staff, it may not be able to devote sufficient attention," TTD said.

The BN and Santa Fe lines overlap in Illinois, Missouri, Oklahoma and Texas. This duplication could lead to line abandonments or sales, with resultant work force cuts and loss of service to shippers and communities.

"While some believe the ICC may be an agency whose days are numbered, the important and time-consuming tasks it must perform in determining whether a proposed railroad financial transaction is in the public's interest continue to be a high public responsibility, as well as a statutory obligation," TTD told Peña. "That obligation must be complied with by the ICC or any entity that succeeds to its responsibilities."

Signalmen Were Essential To World War II Victory

During World War II, while the U.S. military was deploying across Europe, North Africa and the Pacific, Signalmen that were not drafted into the military were still contributing to the war effort by the efficient performance of their jobs back on the home front.

The following is a reprint of an article written by then BRS Vice President Jesse Clark which described the importance of railroad Signalmen who remained stateside during WWII. The article originally was printed in the July 1942 issue of The Signalman's Journal.

"Recently General Lewis B. Hershey, director of the National Selective Service System, issued "Occupational Bulletin No. 5" in which he directed the various draft and appeal boards to give consideration to deferment of certain railroad employees who are considered essential to national defense.

Many railroad occupations were listed in this group, which includes the signalman and signal maintainer. Since many people in our country do not know what signalmen or signal maintainers are or what their duties are, we should endeavor to let them know.

It is obvious that every railroad employee has an important duty to perform, but we believe the signalman's or signal maintainer's duties rank among those most essential to the transportation problem and our war effort. We agree that a few years back railroad motive power was small and the engines were unable to haul heavy loads. The coach and freight cars were also small and could not be loaded heavily. Accordingly, the motive power that day was equal to the duty required. Today we have heavy, powerful engines and the capacity of cars has greatly increased, and the amount of freight or passengers moved at one time or in one train has greatly increased.

This has not solved the real problem, however. The all-important question now is to move the equipment in a safe and speedy manner. Nothing has contributed to this factor more than modern railroad signaling. Interlocking and signal facilities on America's railroads today are comparable to the human brain.

Our body may be as powerful as the giant locomotives and we may be able to carry a load equal to loaded freight trains, but to get the present emergency job done we must have a mentality or brain which will enable us to use this strength quickly, safely, and without delay to others. That is the exact function of the modern signaling devices.

Automatic signals speed the movement of trains and guarantee that every foot of the railroad is safe. They tell the engineman the route to be used, assure him it is unoccupied, that there are no broken rails, and that he may proceed with a feeling of security. They tell him when he is approaching another train, a station, a grade or any other condition under which he must be alert and control the speed or stop his train.

Modern interlocking facilities enable trains to cross over other tracks at grade, where another railroad is crossing, without hesitation or fear. It is no longer necessary to stop the train and for the trainmen to make certain that there is no train approaching on an opposing railroad. Interlocking plants are so perfected and installed in a predetermined order that trains may be kept moving over the other

Corporal Robert Evelyn, Redlands, California, and Pfc. Charles C. Sparlins, Vancouver, Washington, ride a home made rail-rod in Sicily.

railroads. Or, if there happens to be another train occupying the crossing, the signals so indicate to the engineer and tell him to bring his train to a halt until the crossing is clear.

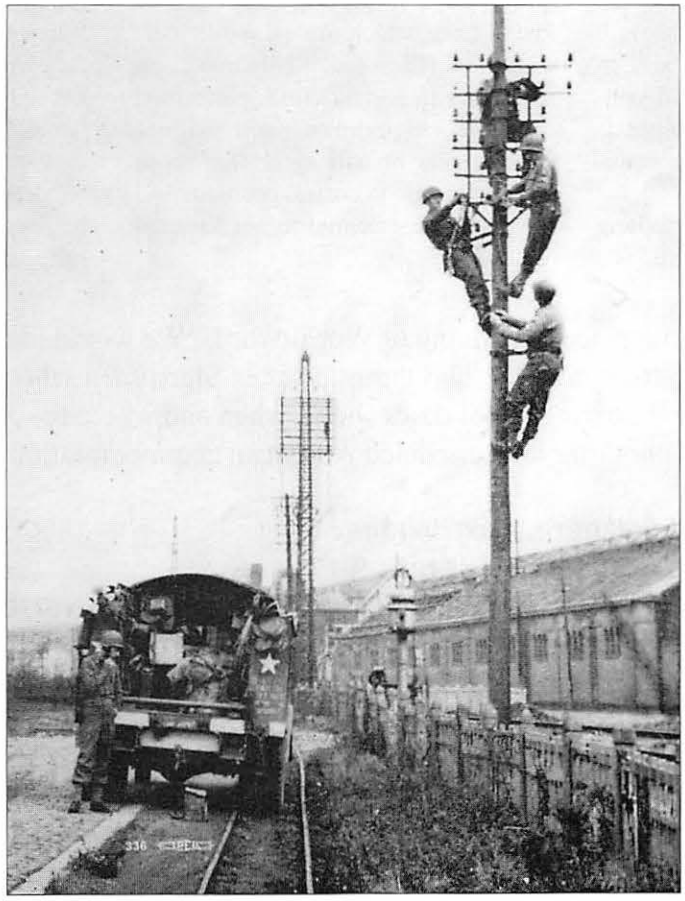
Centralized traffic control and remote control switches are an untold saving to the railroad companies. They enable the continued use of single track. Accordingly, trains are operated in both directions over the track with the centralized traffic control and power-operated switches so arranged as to permit one train to take siding for the other without stopping or the loss of time. These switches and signals are controlled from a central distant point and the control machine is often many miles from the particular switch or signal being operated. The installation and maintenance of this equipment is assigned to the signalman or signal maintainer. What greater contribution could be made to our national defense effort in the saving of materials by making it unnecessary to install double track over which to move the needed equipment and supplies?

By the use of this equipment we not only speed the movement, we actually save materials which can be converted into guns, ships, tanks, and airplanes. By being able to install and efficiently maintain such apparatus the signalman or signal maintainer is unquestionably doing his bit in this great struggle and surely merits the qualification of employees in "critical occupations," where General Hershey has so wisely placed them.

By use of the car retarder systems by the railroads which are installed and maintained by signalmen, the carriers are able to classify cars and make up trains in a minimum amount of time. Hundreds of cars per hour are handled by these systems, and by the controlling devices they are properly placed on the track desired. Even the speed of the cars is controlled by this apparatus, which prevents the cars or their contents from being damaged by excess speed when they are run down the hump.

There are hundreds of duties assigned to the signalman and signal maintainer that are too numerous to mention, all of which either directly or indirectly contribute to the speed and efficiency of the railroads.

One other important item or part of their work should not be overlooked, however, and that is the installation and maintenance of the highway crossing signal and protective devices. The crossing signals and automatic crossing gates are so installed and maintained that they warn the traveling public on highways of the approach of trains. It is the function of signal department employees to arrange the circuits and controlling devices of this automatic equipment so that it will give sufficient warning and ample time to the highway travelers to bring their automobiles to a stop at a safe distance from the tracks. On tracks where the speed of trains is slow the circuits are shortened up, thus avoiding undue delay to the highway traveler. On high-speed tracts the circuits are lengthened to such an extent that the warning signals or gates are placed in operation when the train is a greater distance from the highway. Thus because of the speed of the trains they will reach the crossing much sooner than trains do in slow traffic territory.



Members of a Signal platoon, railway operating battalion, setting up communications along the line of advance.

I feel certain that few people traveling on America's highways to day realize when they are approaching a railroad crossing where these protective devices are installed how much time has been given by the railroads and how much effort has been put forth to install the apparatus to guarantee their protection and to prevent them as much delay as is humanly possible and yet assure them safety.

By the use and proper observance of this equipment, not only is the free traveling public (users of highways) protected, but Uncle Sam is also protected when moving troops and equipment over the highways. Furthermore, thousands of tons of essential war supplies and equipment is transported over the nation's highways daily and is benefited by these protective devices.

By the installation and proper maintenance of this equipment the railroads and their employees not only render a direct and essential service to the public, they also assure safety at railroad crossings to their greatest competitors, the buses and commer-

(Cont. on next page)

Signalmen Essential to Victory

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cial trucks. Do you consider the work of keeping highway crossing protective devices properly maintained and functioning as intended essential work? Then give the credit to the signal department employees.

The automatic train control is another great feat accomplished by the signalmen. This equipment protects the public using railroads against sudden illness or death of the locomotive engineer. Naturally, a great majority of the masses of people depend entirely on the engineer to pilot the train in a safe and efficient manner, and, of course, where the automatic train control is not in use their confidence is entirely justified and must be maintained.

Yet we must realize that nothing can protect us against the sudden death of an engineer. When this happens, and it does, the train goes thundering on uncontrolled until an accident has occurred or until the locomotive fireman notices that something has happened to the engineer and takes charge. By the use of the automatic train control, if something happens to the engineer, it takes charge and automatically stops the train short of any danger.

Surely if the travelling and shipping public is properly apprised of these facts, which are as above indicated and which touch only in part on the many important duties performed by the signalmen and signal maintainers, it will agree that these employees are in critical positions and certainly are essential to our national defense.

Volumes could be written about the technical details in connection with railroad signaling and more could be written concerning the duties of those who install and maintain them if we were permitted to explain the many intricate circuits involved or the complicated equipment used, but time and space will not permit such an explanation at this time.

My thought is, it is our duty to teach the people what railroad signaling is and what it means to them. When this is done, I am certain that they will agree that signalmen and signal maintainers are essential to national defense and that it might be advisable to place other experienced signal department employees who cannot be readily replaced in the II-A occupational deferment class."

American labor was crucial to the winning of World War II. We would like to thank and honor those who worked on the home front, and the two thousand-plus Signalmen who answered the call to duty during World War II. The following list of dates shows when and where the *50th Anniversary of World War II Commemoration Committee* has scheduled American commemoration events.

"Salzburg Remembers," Salzburg, Austria (June 8)
"Vienna Remembers," Vienna, Austria (June 9-17)
"National History Day Awards Ceremony," Cole Field House, University of Maryland, College Park, MD (June 15)
"Battle of Okinawa Commemorations," Okinawa, Japan (June 19-26)
"50th Anniversary of the UN Planning Conference," Herbst Theater/Opera House, San Francisco, CA (June 26)
"Encampment on the Mall," The Mall, Washington, DC (June/July)
"Tribute to World War II Combat Artists," National Building Museum, Washington, DC (June 30-July 2)
"Knoxville Salute to Veterans of WWII," Knoxville, TN (July 4)
"Celebration 1995," Columbus, IN (July 13-16)
"Korean War Memorial Dedication," The Mall, Washington, DC (July 27)
"DAV Annual Convention," Las Vegas, NV (July 22-27)
"USS Indianapolis Memorial Dedication," Indianapolis, IN (July 30)

For more information contact:

50th Anniversary of World War II Commemoration Committee
1213 Jefferson Davis Hwy.
Crystal Gateway Four, #702
Crystal City, VA 22202
(703) 604-0819

Know Your Rights:

Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) was signed into law on February 5, 1993. For BRS members, the Act became effective no later than February 5, 1994. Designed to allow employees to balance their work and family lives by taking reasonable unpaid leave for medical reasons for the birth or adoption of a child or the care of a child, spouse or parent who has a serious health condition, the law was supported by the BRS and the entire labor movement.

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles. It is important to note that an employee does not have to take their leave all at once. The leave can be taken in weeks, days or even hours. For example, if an employee or an employee's spouse has a serious health condition that requires a series of medical treatments, the employee can take leave in increments to cover the required treatments.

Reasons for Taking Leave:

Unpaid leave must be granted for any of the following reasons: to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."

An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

For the duration of FMLA leave, the employee's health coverage under any "group health plan must be maintained."

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms consistent with their seniority.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers:

FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under FMLA; discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Where can an employee file a complaint of FMLA violations with the federal government?

A complaint may be filed in person, by mail, or by telephone, with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. A complaint may be filed at any local office of the Wage and Hour Division; the address and telephone number of local offices may be found in telephone directories.

A complaint filed with the Secretary of Labor should be filed within a reasonable time of when the employee discovers that his or her FMLA rights have been violated. In no event may a complaint be filed more than two years after the action which is alleged to be a violation of FMLA occurred, or three years in the case of a willful violation.

No particular form of complaint is required, except that a complaint must be reduced to writing and should also include a full statement of the acts and/or omissions, with pertinent dates, which are believed to constitute a violation.

BRS Policy On... Agency Fee Objections

Any employee subject to a union shop agreement who is not a member of the Brotherhood of Railroad Signalmen has the right through timely written objection to limit his agency fee payment to only those activities of the organization which are related to collective bargaining, contract administration and grievance handling. The types of expenditures by the Union to which an objector can lawfully refuse to contribute are:

(a) Expenditures for the election of candidates for public office, including contributions to any political party or political organization; staff time spent during working hours on behalf of any political party, political organization, or candidate for public office; expenditures on behalf of any facilities used for any political party, political organization or candidate for public office.
(b) Expenditures to recruit new union members.
(c) Expenditures on litigation that does not directly concern the objector, his bargaining unit, or the union as an institution.
(d) Expenditures on legislative lobbying, including time and expenses of full or part-time union staff, when such lobbying fails to supplement collective bargaining, strengthen the union as a bargaining representative, or bolster the union legal position in agreement negotiation or administration; expenses of unsalaried persons reimbursed by the union.
(e) That portion of the cost of *The Signalman's Journal* and other union publications which involves matters unrelated to the employment interests of the employee.
(f) Dues to the AFL-CIO, CLC, and affiliated organizations of either.
(g) Contributions to other organizations, including charitable and educational groups.

Effective January 1, 1989, the following policy was established:

1. Employees who are not members of the Brotherhood of Railroad Signalmen ("Union") and who pay an agency fee to the Union pursuant to a collectively bargained agency fee provision shall have the right to object to the expenditure of their fees on activities or projects other than those normally or reasonably undertaken by the Union to advance the employment-related interests of the employees it represents.

2. A notice explaining the rights of those paying agency fees giving them sufficient information to determine whether to object shall be mailed to them during October of each year.

3. Beginning in 1989, objections shall be made in writing to the Grand Lodge Secretary-Treasurer during the month of November.

4. The agency fees of employees who file objections shall be reduced for the twelve month period beginning January 1 next after their objection is received and ending December 31 of the following year. Prior to the beginning of this twelve month period, each employee who has lodged an objection will be provided with a full explanation of the basis for the reduced fee, and an explanation of how to challenge the Union's calculation of that reduced fee.

5. Any employee who has lodged an objection may challenge the calculation of the reduced fee by writing to the Grand Lodge Secretary-Treasurer no later than thirty (30) days following receipt of the fee explanation. Such challenges shall be promptly presented to an impartial arbitrator for resolution. The arbitrator shall be appointed by the American Arbitration Association pursuant to its Rule for Impartial Determination of Union Fees. The Union shall hold in escrow a portion of the fees being paid by those employees who have made a challenge in an amount sufficient to insure that the portion of the fee reasonably in dispute will not be expended. Once the arbitrator has ruled, the Union shall follow the arbitrator's decision in distributing the escrowed fees and adjusting the amount of the reduced fee. The arbitrator shall conduct the proceedings in a manner the arbitrator deems fair and just.

6. The Grand Lodge Secretary-Treasurer shall administer this policy in a manner that is completely fair to agency fee payers who wish to object. The Grand Lodge Secretary-Treasurer has authority to determine the amount of the reduced fee each year, to provide proper notice of this policy to agency fee payers, to waive procedural requirements when fairness requires, to informally resolve challenges to the Union's calculation, and to promulgate procedures for accommodating agency fee objections in accordance with applicable state or federal laws.

Labor History

The Taft-Hartley Act—From Another Era When Conservatives Attacked Labor

By: Robert Wechsler
Robert Wechsler, editor of the New York Labor History News Service, is the Education Director of the Transport Workers Union of America, AFL-CIO.

Given the conservative nature of the recently-elected Congress and the rash of anti-worker legislation being considered in its committees, it is appropriate to turn back to a similar period in American history when business and Congress made a holy alliance against labor. The time is the late 1940s, the Democratic President is Harry Truman, and the legislation is the Taft-Hartley Act.

No single act of Congress did more to weaken the economic and legal powers of labor unions in America than the Taft-Hartley Act (officially called the Labor Management Relations Act) which was passed by Congress in June, 1947. President Harry Truman, whose veto of the bill was overridden by a conservative Congress, accurately predicted that the bill "would reverse the economic direction of our national labor policy."

The story of how the Taft-Hartley bill became law begins with the end of World War II. Returning veterans expected to see wage increases when they assumed their old jobs. Further pressure was put on wages when the federal government removed wartime price controls in 1946. Prices for basic goods shot up 25 percent in two weeks and working people demanded increases in wages to cover this drop in their real income.

Predictably, a strike wave followed. The federal government estimated that industry generally could maintain its prewar profits and raise wages 24 percent without raising prices. But corporations refused to grant any wage increases without passing the costs off to the consumers. In September 1946, corporate profits rose to their highest level in history — 20 percent higher than in the best war year.

With the outbreak of strikes, the public blamed unions for the higher consumer prices. The price gouging policies of corporations and their refusal to bargain in good faith at the bargaining table was ignored. All the press could see were strikes. Newspaper ads placed by corporations masquerading as "public interest" groups fueled these misperceptions.

Lower Voter Turnout in 1947

The 1946 election brought out such a low turnout of voters including labor voters that the Republicans, led by conservatives, gained control of both houses of Congress for the first time in 14 years. Reaction set in quickly as politicians fought each other to see whose bill could intimidate labor more.

The 1946 Hobbs Act limited union economic sanctions in a strike situation. States passed laws in 1946-47 which prohibited union security agreements, outlawed the union shop, restricted picketing, and provided for easy use of injunctions to break strikes.

By 1947, lobbyists for General Electric, Chrysler, Allis Chalmers, Inland Steel, and other major corporations had written legislation to limit severely the activities of workers and trade unions. The bill was in fact a series of amendments to the 1935 Wagner Act. Senator Robert Taft introduced it in the Senate while Representative Fred Hartley guided it through the House. The Taft-Hartley bill was passed in Congress after a short period of what one Representative called the "most vicious kind of corporate lobbying." When President Truman vetoed the bill, both houses of Congress voted to override him.

The Conservative Agenda

What did Taft-Hartley do? It changed the way in which unions could represent their members by altering union security agreements.

The closed shop (a prehire union shop agreement) was outlawed except in a few industries under specific circumstances. Section 14b allowed states to prohibit any union security so that in 21 states today it is illegal for an employer to recognize the union shop. These state laws have been dubbed "right to work" laws, but in reality they deny basic union protection to any group which may want it. Unions may exist in the shop or on the property, but they must defend all employees even though no worker is compelled to join the union. Statistics bear out the fact that workers in these 21 compulsory open shop states earn less on average than in the other 29 states.

Employees are limited in their ability to organize into unions. By contrast, their employers are allowed to make "captive audience" speeches on company time where employee attendance is mandatory. Under the guise of "free speech", employers have a free hand in in-

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timidating their employees.

Organizing Crippled

The Act also outlines a series of what it terms "unfair labor practices" by unions which restrain unions in bargaining and organizing. Furthermore, Taft-Hartley sets up guidelines on what constitutes a group of workers who can be organized. Employers have often challenged the composition of these groups or have charged unions with unfair labor practices in order to delay organizing drives for years. Under advice from professional management consultants, corporations pay millions of dollars to use delaying tactics in order to break a union's momentum. Willing to risk fines, if they are ever assessed, employers fire union organizers and sympathizers in order to defeat any organizing drive.

Taft-Hartley limits the right of employees to picket. Secondary picketing and boycotts are prohibited. Picket lines can be set up only at the primary work site and with certain restrictions such as at certain gates. So-called "neutral" employers such as subcontractors at a building site cannot be picketed. Such limitations have undercut the economic power of the building trade unions.

Unions can be sued in district court for breaches of contract, illegal boycotts and strikes. Furthermore, Supervisors are denied full union protection under the law. The Act establishes a mandatory 80-day "cooling off" period in a strike situation which the President deems will "imperil the national safety and health."

The passage of the Taft-Hartley Act has stimulated the National Labor Relations Board (NLRB) to play a more restrictive role in the relationship between labor and management. Since 1947, the Board and the courts have been deciding issues which should be decided by unions and employers at the bargaining table. Union organizing and bargaining in the South and West have been limited because state laws under 14b have made the open shop compulsory.

Back to the Future

Today, the delicate balance between labor and management, unhinged by the Taft-Hartley Act, is being subverted even further by politicians, employers, and even the courts.

Financial Assistance Available For Daughters Of Deceased Railway Employees

Daughters of deceased railroad workers may be eligible to receive special financial assistance through a program set up by the John Edgar Thomson Foundation. The foundation was established in 1882 and is endowed by the will of Thomson, who was the third president of the Pennsylvania Railroad.

In order to qualify for an award, the parent must have been an active employee of any U.S. railroad at the time of death. The cause of death need not be work-related. The monthly allowance made under the grant may cover the period from infancy to age 18, or to age 22 if the grantee is pursuing a higher education. The foundation also offers special health care benefits, as well as tuition aid to those attending college.

The John Edgar Thomson Foundation is an independent organization and neither receives funding from any railroad nor solicits funds from other sources. If BRS members are aware of any surviving daughters who may qualify for assistance, please contact the foundation at:

The John Edgar Thomson Foundation
Sheila Cohen, Director
201 South 18th Street, Suite 318
Philadelphia, PA 19103
215 545-6083

Obituaries

HOWARD W. AHRENS—retired member of **LOCAL 28.** Brother Ahrens retired in 1978 after 38 years of service with Consolidated Rail Corporation. He was a Maintainer at Jackson, Michigan at the time of retirement. Brother Ahrens served the Brotherhood as a Recording/Financial Secretary, Local Chairman, Assistant General Chairman and General Secretary for NYCRR Lines West.

LAIRD S. BLUEMEL—active member of **LOCAL 8.** Brother Bluemel served 17 years with Union Pacific Railroad Company. He was a Signal Maintainer and resided in Rock Springs, Wyoming at the time of his death.

EARL M. CRONE SR.—retired member of **LOCAL 31.** Brother Crone retired in 1969 after 46 years of service with the Baltimore & Ohio Railroad. He was a Signal Maintainer at Hancock, West Virginia at the time of his retirement.

BERNARD J. HARMON—retired member of **LOCAL 42.** Brother Harmon retired in 1975 after 34 years of service with Consolidated Rail Corporation (formerly Penn Central). He was a Lead Signal Maintainer at Indianapolis, Indiana at the time of retirement.

CHARLES F. INGOLD—retired member of **LOCAL 31.** Brother Ingold retired in 1972 after 32 years of service with the Baltimore & Ohio Railroad. He was a Signal Maintainer at Elyria, Ohio at the time of his retirement.

GEORGE B. JONES—retired member of **LOCAL 179.** Brother Jones retired in 1973 after 49 years of service with the Southern Pacific Railroad. He was a Signal Foreman at Ogden, Utah at the time of his retirement. Brother Jones served the Brotherhood as a Local Chairman.

ORRELL C. LAMOREAUX—retired member of **LOCAL 173.** Brother Lamoreaux retired in 1970 after 43 years of service with the Atchison, Topeka & Santa Fe Railroad. He was a Signalman at the San Bernardino Signal Shop at the time of his retirement.

MICHAEL S. LESTER—retired member of **LOCAL 227.** Brother Lester retired in 1988 after 38 years of service with the Milwaukee Road and Soo Line. He was a Special Testman in the Milwaukee area at the time of his retirement.

GORDON E. MALLERY JR.—retired member of **LOCAL 145.** Brother Mallery retired in 1989 after 40 years of service with the Erie, Lackawanna & Consolidated Rail Corporation. He was a Signal Foreman at Binghampton, New York at the time of his retirement.

MILTON G. MARKLEY—retired member of **LOCAL 55.** Brother Markley retired in 1975 after 38 years of service with the Norfolk and Western. He was a Signal Maintainer at Lafayette, Indiana at the time of his retirement. Brother Markley served the Brotherhood as a General Chairman.

ALEX MARSHALEK—retired member of **LOCAL 8.** Brother Marshalek retired in 1983 after 31 years of service with the Union Pacific Railroad. He was a Signalman at Maryville, Kansas at the time of his retirement.

HARRISON MICKEY—retired member of **LOCAL 31.** Brother Mickey retired in 1978 after 34 years of service with the Baltimore & Ohio Railroad. He was a Signal Maintainer at Elm Grove, West Virginia at the time of his retirement. Brother Mickey served the Brotherhood as a Trustee.

MARTIN L. NORVELL—active member of **LOCAL 52.** Brother Norvell served 35 years with the New York Central Railroad and Consolidated Rail Corporation. He was a Signal Maintainer at Monroe, Ohio at the time of his death.

JOSE G. QUEZADA—retired member of **LOCAL 104.** Brother Quezada retired in 1981 after 35 years of service with Southern Pacific. He was a Signalman at Los Angeles, California at the time of his retirement.

HAROLD L. RICKELS—retired member of **LOCAL 52.** Brother Rickels retired in 1971 after 43 years of service with Pennsylvania Railroad and Penn Central. He was a Maintainer at Richmond, Ohio at the time of his retirement.

(Continued on next page)

Obituaries

RAYMOND V. SMITH—retired member of **LOCAL 94.** Brother Smith retired in 1977 after 33.5 years of service with the Baltimore & Ohio Railroad and Chesapeake & Ohio Railway. He was a Signalman at Cincinnati, Ohio at the time of his retirement.

VINCENT J. SPOERL—retired member of **LOCAL 9.** Brother Spoerl retired in 1978 after 41.5 years of service with the Chicago & North Western Transportation Company. He was a Lead Relay Testman at Green Bay, Wisconsin at the time of his retirement. Brother Spoerl served the Brotherhood as a Committeeman.

ALVIN F. STANG—retired member of **LOCAL 19.** Brother Stang retired in 1984 after 31 years of service with the Union Pacific Railroad. He was a Signal Maintainer at Delta, Utah at the time of his retirement.

WILLIAM L. TOMASINI—retired member of **LOCAL 8.** Brother Tomasini retired in 1993 after 42 years of service with the Union Pacific Railroad. Brother Tomasini served the Brotherhood as a member of the Wyoming Division Grievance Committee.

L.G. WILLIAMS—retired member of **LOCAL 24.** Brother Williams retired in 1971 after 35 years of service with the Denver and Rio Grande Western Railroad. He was a Signal Maintainer at Pueblo, Colorado at the time of his retirement. Brother Williams served the Brotherhood as a Local Chairman.

DONALD H. YOUNG—retired member of **LOCAL 68.** Brother Young retired in 1988 after 37 years with Consolidated Rail Corporation. He was a C&S Maintainer at LaPorte, Indiana at the time of his retirement. Brother Young served the Brotherhood as a Recording-Financial Secretary.

Signalman Wins Harley-Davidson At Union Industries Show

Kerry Downing, a Signalman from Local 28 is the happy winner of a 1995, 1200 cc Harley-Davidson "Sportster" motorcycle built by Machinists Union Local 175, York, Pennsylvania. The $9,000 Harley was raffled off free of charge, Saturday, May 20, by Machinists Union members at the AFL-CIO Union Industries Show in Detroit, Michigan.

Living in the Detroit area, Brother Downing decided to spend the day with his twelve year old son Stephen at the Cobo Center in order to show him how workers and companies cooperate to make good American products.

The Union Industries Show was designed to be a fun and educational experience for the entire family. At the show, the public got acquainted with quality union services, skills and products.

The 1995 show was sponsored by the Union Label and Services Trades Department of the AFL-CIO.

Local 28 member, K.V. Downing, with son Stephen, accepting the keys to his new Harley-Davidson "Sportster" motorcycle.

SKIN CANCER—WHAT YOU SHOULD KNOW

When performing activities outdoors, BRS members should keep in mind that they are also soaking up the sun's ultraviolet rays – the main cause of skin cancer.

Every year, more than 600,000 Americans learn they have skin cancer. For a person living to 65, the chances of contracting some form of skin cancer are 40 to 50 percent. Scary numbers. But the good news is, with early detection and treatment, skin cancer is almost always completely curable.

Skin cancer is not any one particular disease; there are actually several different types. Most common skin cancers grow slowly and seldom spread to surrounding tissue. But make no mistake, consulting a doctor and receiving treatment as soon as possible is extremely important. You have no way of knowing how serious the problem is, and though you may be afraid to find out, it is much more dangerous to wait.

What to Look For

Skin cancers do not all look the same – far from it. Symptoms can appear as a smooth, waxy lump, or, in other cases, a firm, red swelling. Sometimes it looks like a rough, rash-like inflammation. Sores that won't completely heal, even after a couple of weeks, may signal trouble as well. Knowing how your skin appears normally helps you recognize changes, no matter how minor or subtle. A regular skin self-exam keeps you on top of things (see box).

Anyone can develop skin cancer, but you can lower your risk. Try to stay out of direct sunlight, especially when it is hottest and brightest, usually between 11:00 a.m. and 3:00 p.m. If you cannot avoid being in direct sunlight, wear protective clothing – long sleeves and pants, shoes, and hats with brims wide enough to shade your face and neck. Applying sunscreen with a sun protection factor greater than 15 also helps shield you from harsh ultraviolet rays.

Cholesterol - Good & Bad

All cholesterol is not created equal. In fact, there's "good" cholesterol and "bad" cholesterol. How so? Well, cholesterol is carried in your blood lipoproteins, chemical compounds made up of fat and protein. When a lipoprotein contains more fat than protein, it's called a low-density lipoprotein, or LDL. When protein outnumbers fat, it's an HDL, high-density lipoprotein. Cholesterol carried by low-density lipoproteins (LDL-cholesterol) increases the risk of a heart attack because it's more likely to leave fatty buildup in your arteries — obviously, the "bad" cholesterol. But HDL-cholesterol, the "good," can actually help your body reduce the overall amount of cholesterol in your blood, which can *protect* against heart disease.

Do you know your current cholesterol level? If not, have it checked. To lower your risk of heart disease, keep your total cholesterol count below 200, your LDL-cholesterol under 130 and your HDL-cholesterol above 35.

PERFORMING A SKIN SELF-EXAM

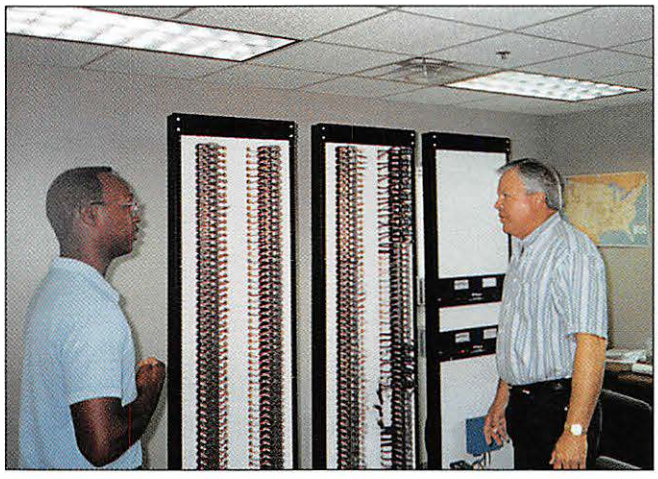
After you shower or bathe, take a few minutes to thoroughly examine yourself. What are you looking for? New or unusual changes in the skin – the size, texture or color of a mole, a newly formed lump, a sore that refuses to heal, etc. Use a full length or hand held mirror, and make sure there is plenty of light.

1. Check your back and front. Raise your arms and examine your sides.
2. Carefully inspect your palms, fingers and forearms.
3. Check your legs, both front and back, buttocks and genital area.
4. Examine your feet. Don't forget to spread and inspect your toes.
5. Closely examine your face and neck. Move your hair using a comb or blow dryer so you can get a good look at your scalp.

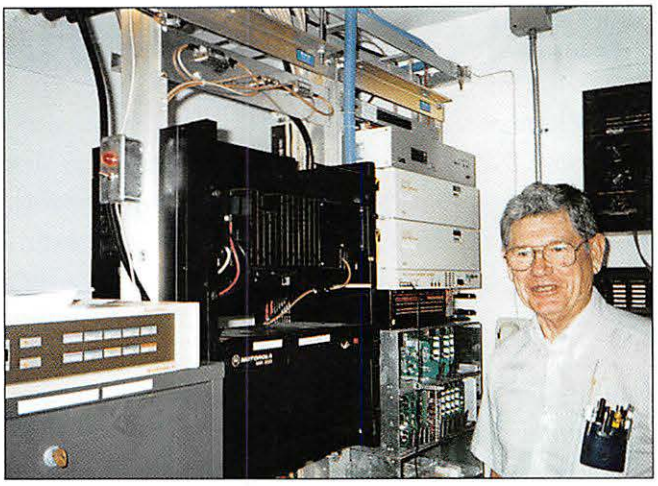
Notify your doctor if you find anything out of the ordinary. If it is skin cancer, early discovery usually means successful treatment.

BRS Members At Work On The UP

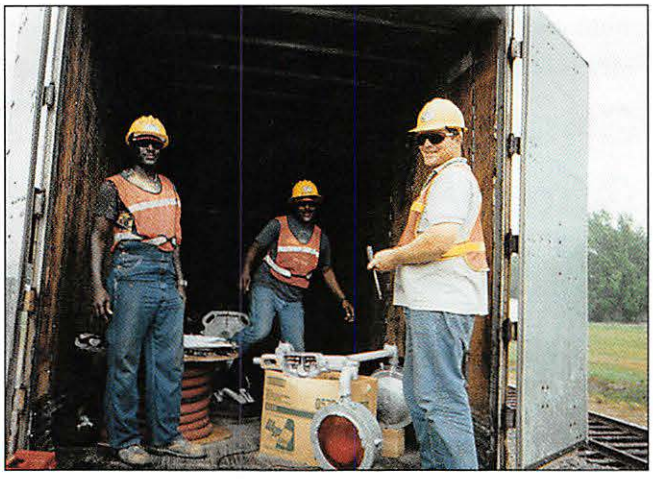
Midwest Gulf Vice General Chairman B.G. Boyett discusses the workings of an electrocode unit with Signal Maintainer J.C. Fournet Jr. Brother Fournet is a member of Local 206.



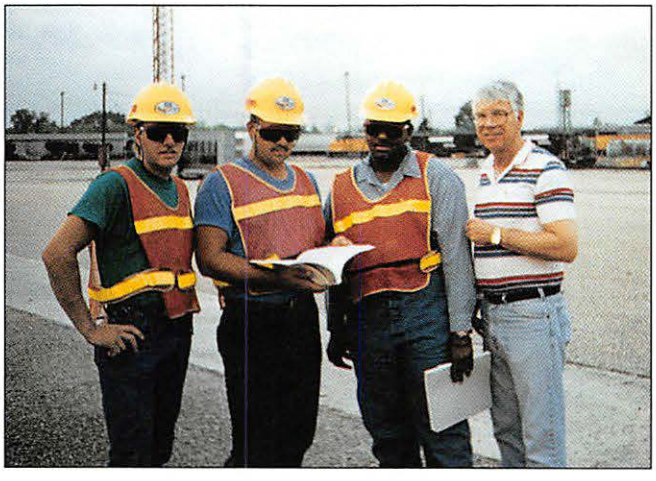
Retarder Yard Technician S.W. Hunt and Brother B.G. Boyett discuss the grounding system at Livonia, Louisiana Retarder Yard. Brother Hunt is a member of Local 141.



Communications Technician J.A. Connolly in a communications cabin at Opelousas, Louisiana. Brother Connolly is headquartered at Beaumont, Texas and a member of Local 206.



(l-r) Local 141 members, Asst. Signalman M.R. McKennie and Signalmen S.W. Pryor and J.C. Daigle Jr. prepare for a grade crossing project at Elton, Louisiana.



(l-r) Signalman M.A. Guidry, Asst. Signalman G.D. Goodman, Signalman R.G. Monroe and General Chairman E.J. Anousakes review an agreement.

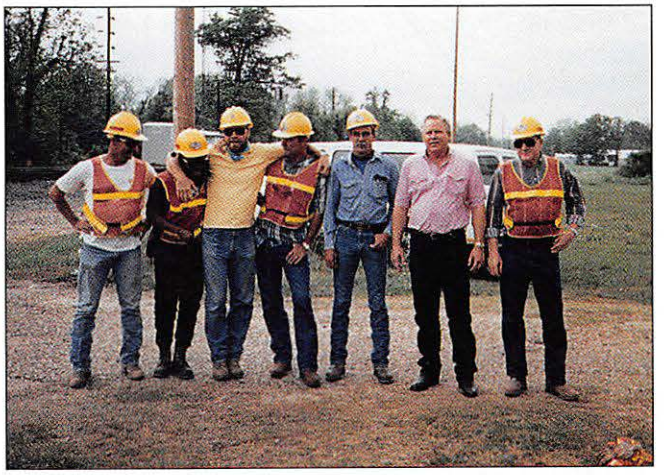
Working On The Union Pacific

Asst. General Chairman Boyett visits Signal Foreman B.R. Faulks and Signalman J.G. Dewoody as they trench in control cable at Meeker, Louisiana. Brother Faulks is a member of Local 141 and Brother Dewoody is a member of Local 72.

Vice General Chairman Boyett discusses ongoing work with Assistant Signalman A.L. Pullard. Sister Pullard is assigned to Signal Gang 2669 and is a member of Local 206.

Signalman R.W. Burns (in truck) discusses an ongoing control point project with Signalman J.E. Roberts. Both are members of Local 72.

Signalman J.E. Roberts, Local 72, uses a Ditch Witch to trench in cable at Meeker, Louisiana.



(l-r) Signalman J. Fontenot, Asst. Signalman A.L. Pullard, Signalmen J.E. Roberts, R.W. Burns, B.R. Faulks, Vice General Chairman Boyett and Signalman J.G. Dewoody near Lecompte, Louisiana.

Continuous Membership

The Brotherhood of Railroad Signalmen, in recognition of BRS members' contributions to the Signalman's craft and their dedication to the principle of trade unionism, has established a Continuous Service program to honor longtime BRS members. Continuous service lapel pins are presented to members every five years, beginning with their 25th year of membership.

The following is a list of the members who recently received Continuous Service pins in recognition of their years as BRS members:

40 Years of Service

EJ Ragan	65
WE Anderson	179
FD King	130
PG Lawrence	232
JJ Geisel	225
HF Lachelt Jr	226
TL Loeffler	64
EA McNeill	119

35 Years of Service

PL Baker	2
RE Everett	72
DM Helton	49
RE Hickman	52
PL Miller	14
CE Welsh	18
DL Young	156
JD Anderson	8
RE Bland	2
DC Foster	188
JP Henning	13
DL Horton	1
DH Stockton	33
RK Amick	126
ME Avey	31
DD Blackwell	110
SJ Grindheim	226
MA Kroll	99
RF Pratner	161
CE Rigel	179
EC Rottmann	65
C Schilaci	70
RH Criss	227

30 Years of Service

SD Bennett	123
TJ Clark	93
J Hibbard	13
EJ Luther	40
CL Martin	31
WL Pratt Jr	72
CA Rhodes	85
AB Simonson	24
EF Yuknis	183
BJ Amos	77
D Bowles	153
RL Griffin	188
EJ Johnson	174
RL Martin	179
C Pondo	153
TE Wolfe	226
JL Conway	178
TJ Finegan Sr	105
DR Frank	103
JA Johnson	52
JF McDowell	188
BW Reynolds	132
CW Seggerman Jr	14
G Smith	162
RL Collins	158

25 Years of Service

R Barreiro	56
RC Bentley	111
AD Boyd	136
JL Bush	68
BJ Butler	174
RP Crist	136
TE Fast	20
JR Fontenot	206
DB Gifford	229
DC Gruber	52
TA Hamilton	176
RL Lynch	16
RG Mullins	64
GA Sewell	49
KC Sitton	49
RL Smith	103
TE Stirling	98
DD Wardrip	104
TP Allan	39
GC Barcik	174
DK Brandon	188
SR Davis	110
JN Hagel	188
LB Hesterly	129
LJ Johnson	24
MD Kamer	135
C Latham	56
RS Mitchell	33
JT Patton	49
DD Swan	117
JF Turnwald	123
GL Wright	94
JE Batton	25
RN Byron	84
SK Coble	228
MA Coburn	77
ME Coker	178
TE Disque	31
RC During	154
LS Gonzales	104
G Gordon	133
JF Guernick	160
JS Hale	55
LG Howser	72
ST Liebi	72
RG Lyon	188
DG McCullough	228
GL Megason	141
MK Mohler	31
RL Moore	68
LM Odom Sr	16
SP Parker	80
JN Procknow	227
JE Ross	188
MJ Shaw	81
TJ Sponsel	152
D Stawski	57
RL Twitchel	103
DL Walters	156
DA Pollock	89

FELA Directory - BRS Counsel

When Signalmen suffer a work-related injury or illness, BRS members or their families are encouraged to determine their rights and benefits under the Federal Employers' Liability Act before agreeing to any settlement with the railroad employer. The Brotherhood of Railroad Signalmen has designated the attorneys listed in this directory to serve as qualified counsel for BRS members in employee injury cases covered by FELA.

Attorneys are listed by state and are designated to serve BRS members living or working in the general region of their offices. Designation of FELA counsel is by authority of the BRS Executive Council only.

BRS members are encouraged to provide information regarding FELA cases, including criticism or commendations regarding the service of designated counsel, and information on injuries and settlements. This information, which will be used in the continuing evaluation of this program, should be sent to W. D. Pickett, President, Brotherhood of Railroad Signalmen, Box U, Mount Prospect, IL 60056-9048.

***Bold** print denotes additions or changes since the last issue of the Journal.*

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Los Angeles, CA 90036
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St. Louis, MO 63102
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800-346-5729

Harold S. Stern
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Cleveland, OH 44115
Tel. (216) 781-1700, 800-321-1700

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Pittsburgh, PA 15219
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Washington, DC 20001
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CLOTH EMBLEM of BRS logo has white letters with red and black border, steam and diesel locomotives and green-over-red searchlight signal. Ideal for hats and jackets!

COASTERS are 3-inch diameter plastic with full-color BRS logo.

BRS MASTER NATIONAL AGREEMENT BOOK contains the basic provisions of national agreements negotiated with U.S. railroads and the BRS. The loose-leaf binder with 2-inch rings makes it easy to update or add additional materials, such as local agreements.

RS&I—HOURS OF SERVICE MANUAL contains vital information that every signalman should know about the federal regulations governing the Rules Standards and Instructions of Signal and Train Control Systems. The Hours of Service Act is included with an explanation and interpretation of the Act as prepared by the FRA. This manual is printed and distributed by the BRS for BRS members.

SIGNAL TRAINING COURSE as developed by Canadian National Ry., is used in signal training programs by many U.S. railroads. This modern premier training manual contains 4 volumes and 31 sections in one 3-inch binder. (copyrighted)

HISTORY OF THE BRS, *"THE FIRST 75"* as written by the late A. E. Lyon, who was BRS president 1934-1945. Contains the Brotherhood's history from its formation in 1901 through 1976. BRS members will enjoy reading about their Brotherhood's history and development.

NEW! BELT BUCKLE made of solid brass with BRS logo.

NEW! KEY TAGS made of solid brass with BRS logo and bound leather backing.

LAPEL PIN/TIE TACK has the BRS searchlight signal logo with outline and letters in gold. 5/8" in diameter. Makes an ideal hat pin!

DECALS have the BRS searchlight logo and are available in two diameter sizes - 2" & 4". The 2" decals have a **reflective** image of the BRS searchlight signal and are the perfect size for hard hats. The 4" decals have a **non-reflective** image of the BRS searchlight signal and are the perfect size for windows and bumpers. These pressure-sensitive decals are long-lasting and easy to apply.

GOLF CAPS have the BRS cloth colorlight emblem stitched to the front. Made of medium-weight cotton, they have an adjustable headband and come in three attractive colors.

GOLF SHIRTS are made of a cotton/polyester blend and have the BRS colorlight logo embroidered in red and green. These comfortable shirts have a right hand breast pocket and are available only in white and in men's sizes.

WINDBREAKERS made of light-weight red nylon, have the cloth BRS colorlight emblem, two slash pockets, elastic wrist band and a bottom drawstring.

SPORTS STYLE JACKETS have a medium-weight polyester/cotton blend shell with a nylon lining, elastic wrist and waist bands. Embroidered four-color BRS emblem. Available in light grey only.

Minimum order accepted is $15.00 (U.S. Funds)

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Please send me the following:

Item		Quantity Ordered	Price Each	Total $
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Coasters			**.35**	
BRS Master National Agreement (loose-leaf binder)			**10.00**	
RS&I—Hours of Service Manual			**2.50**	
Signal Training Course CN Edition — 4 volumes with binder			**50.00**	
History of the BRS *"The First 75"*			**10.00**	
Belt Buckle			**12.00**	
Key Tags			**7.00**	
Lapel Pin / Tie Tack			**4.50**	
Ref. Decals	2-inch		**.25**	
Non-Ref. Decals	4-inch		**.20**	
Golf Caps	Black		**6.00**	
	Red		**6.00**	
	Grey		**6.00**	
Golf Shirts	Med.		**19.00**	
	Large		**19.00**	
	X-Lg.		**19.00**	
Wind-breakers	Small		**20.00**	
	Med.		**20.00**	
	Large		**20.00**	
	X-Lg.		**20.00**	
Sports Style Jackets	Med.		**45.00**	
	Large		**45.00**	
	X-Lg.		**45.00**	
	XX-Lg.		**45.00**	
TOTAL AMOUNT ENCLOSED				

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The Travelers P.O. Box 2511 Augusta, GA 30903- 2511 1-800-842-5252	Connecticut Delaware Dist. of Columbia Florida Georgia Maine Maryland Massachusetts New Hampshire New Jersey	New York North Carolina Pennsylvania Puerto Rico Rhode Island South Carolina Vermont Virginia West Virginia
The Travelers P.O. Box 1200 Lansing, IL 60438- 0965 1-800-842-5252	Illinois Indiana Iowa Kentucky Michigan Minnesota	North Dakota Ohio South Dakota Tennessee Wisconsin
The Travelers P.O. Box 30985 Salt Lake City, UT 84130-0985 1-800-842-5252	Alaska Arizona California Hawaii Idaho Montana	Nevada Oregon Utah Washington Wyoming
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Where to file claims for Travelers Plan D (Under Policy GA-23111):

	Residents of:	
The Travelers P.O. Box 10066 Augusta, GA 30903- 2511 1-800-833-4455	Alabama Connecticut Delaware Dist. of Col. Florida Georgia Illinois Indiana Kentucky Maine Maryland Massachusetts Michigan Mississippi	NewHampshire New Jersey New York North Carolina Ohio Pennsylvania Puerto Rico Rhode Island South Carolina Tennessee Vermont Virginia West Virginia
The Travelers P.O. Box 30050 Salt Lake City, UT 84130 1-800-833-4455	Alaska Arizona Arkansas California Colorado Hawaii Idaho Iowa Kansas Louisiana Minnesota Missouri Montana	Nebraska Nevada New Mexico North Dakota Oklahoma Oregon South Dakota Texas Utah Washington Wisconsin Wyoming

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Supplemental Sickness Benefits under Group Policy No. R-5000

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Provident Insurance Co.
Group Claims - Franchise Division
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Grand Rapids, MI 49501-0120
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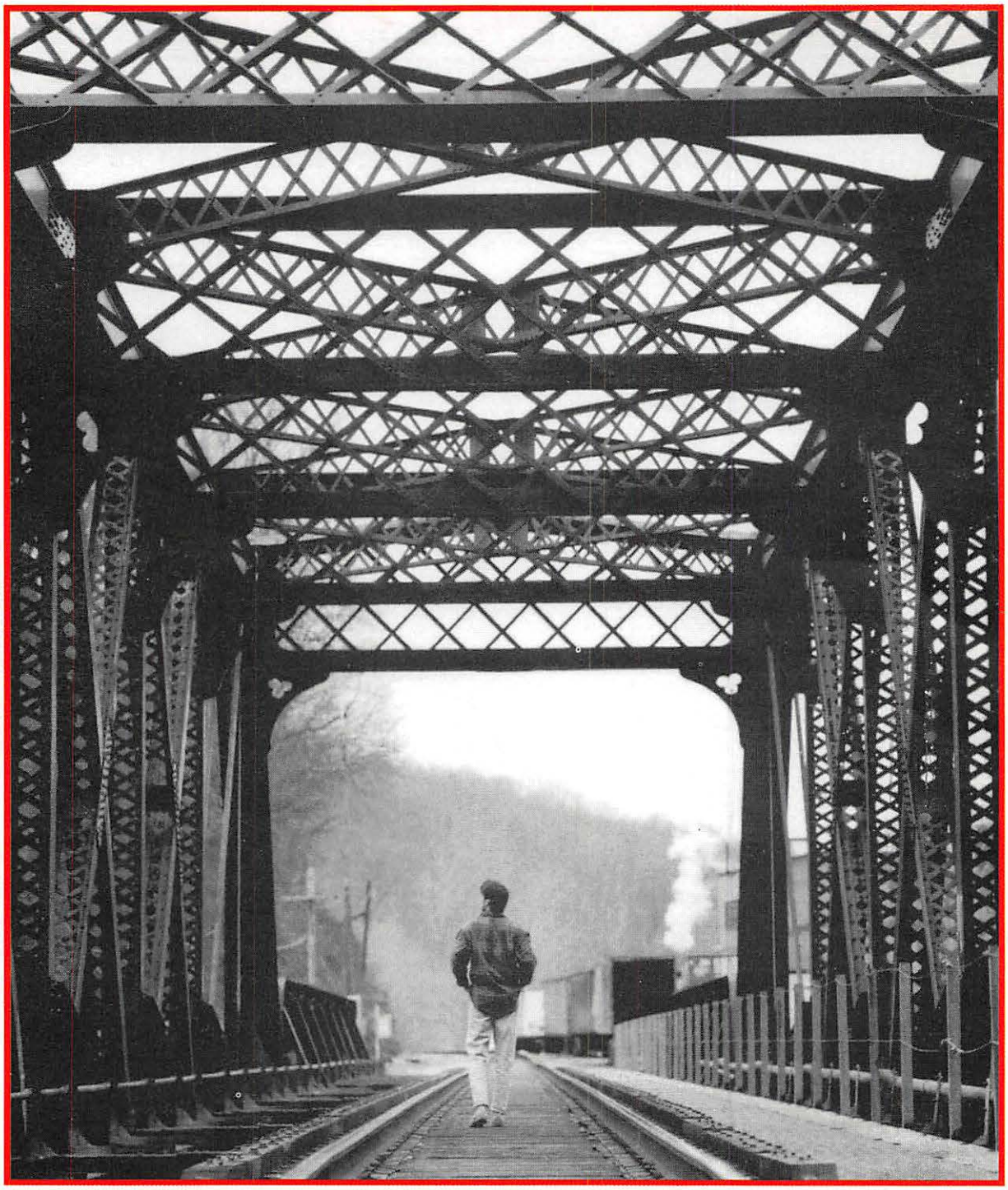

A pedestrian, taking a shortcut, starts across a 700 yard-long trestle from the South.

When he's walked halfway, a train going 60 miles per hour enters the same trestle from the North.

Exactly how long does the man have to think about how stupid he's been?

always expect a train

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